

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2006-2225-AIR-E   **TCEQ ID:** RN100225945   **CASE NO.:** 31966  
**RESPONDENT NAME:** The Dow Chemical Company

Page 1 of 4

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Dow Texas Operations Freeport, 2301 North Brazosport Boulevard, Freeport, Brazoria</p> <p><b>TYPE OF OPERATION:</b> Chemical manufacturing</p> <p><b>SMALL BUSINESS:</b>    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are seven pending enforcement actions, Docket Nos. 2006-1416-AIR-E, 2006-0597-AIR-E, 2006-0372-AIR-E, 2005-0211-AIR-E, 2004-1344-MLM-E, 2004-0071-AIR-E, and 2004-0572-AIR regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on April 30, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b></p> <p style="margin-left: 20px;"><b>TCEQ Attorney/SEP Coordinator:</b> Mr. Melissa Keller, Enforcement Division, MC 219, (512) 239-1768</p> <p style="margin-left: 20px;"><b>TCEQ Enforcement Coordinator:</b> Ms. Trina Grieco, Enforcement Division, San Antonio Regional Office, MC R-13, (210) 403-4006; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896</p> <p style="margin-left: 20px;"><b>Respondent:</b> Ms. Linda Bartholome, Responsible Care Leader, The Dow Chemical Company, 2301 N. Brazosport Boulevard, Freeport, Texas 77541</p> <p style="margin-left: 20px;"><b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b>  None</p> <p><b>Date of Investigations Relating to this Case:</b>  October 14, 2006 and November 9, 2006</p> <p><b>Date of NOEs Relating to this Case:</b>  November 24, 2006 and January 17, 2007(NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>1) Failed to prevent unauthorized emissions on July 16 through July 30, 2004. Since the emissions event was avoidable, improperly reported, and determined to be excessive, Dow failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(b)(2)(F), New Source Review ("NSR") Permit No. 19519, Maximum Allowable Emissions Rate Table, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failed to submit an emissions event report within 24 hours after discovery of the event [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>3) Failed to prevent unauthorized emissions on September 27, 2006. These emissions are not authorized by the permit. Since the emissions event was avoidable, Dow failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. X-7386, Special Condition 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>4) Failed to prevent unauthorized emissions on September 28, 2006. These emissions are not authorized by the permit. Since the emissions event was avoidable, Dow failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX.</p>	<p><b>Total Assessed:</b> \$87,192</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$43,596</p> <p><b>Total Paid to General Revenue:</b> \$43,596</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Orders Justification:</b></p> <p>This is a Findings Order because absence of management practices designed to ensure compliance.</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that:</p> <p>a) Dow implemented the following corrective measures at the Plant as a result of the September 27, 2006 emissions event:</p> <ul style="list-style-type: none"> <li>i. On October 14, 2006, implemented a new "critical" procedure titled "HAA Cold Recycle During SU/SD (Critical)," used by Hydroxyalkyl Acrylate ("HAA") Operations to ensure plant conditions are monitoring and controlled effectively when plug flow needs to be extended beyond normal start-up/shutdown timing; and</li> <li>ii. On October 14, 2006, reviewed and modified existing "critical" procedure titled "Reactor Plant Start-up", used by HAA Operations to start up the HAA unit after a shutdown, including 31 modifications to more effectively control/startup the reactor system. One of the revisions is to have the operator list all instruments that are in manual on a table in this procedure. If any need to remain in manual, the operator has to contact the plant's Technical Advisor or Production Engineer to agree before proceeding further with the start-up procedure. Regarding manual valves in the field, the plant uses a separate procedure entitled, "Plant Line-Up Checklist."</li> </ul> <p>b) Dow implemented the following corrective measures at the Plant as a result of the September 28, 2006 emissions event:</p> <ul style="list-style-type: none"> <li>i. Immediately, the Plant implemented program code to run all exchanger fin fans at full pitch when a tower enters the emergency shutdown step. This will ensure that upon system high pressure all cooling fans will maximize their capability to remove energy and pressure on high pressure shutdown situations. On November 10, 2006, completed retraining of all applicable plant personnel;</li> <li>ii. Immediately, the Plant updated the loss of refrigeration procedures to ensure instant</li> </ul>

ADMIN. CODE § 116.115(c), NSR Permit No. 19041, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5) Failed to include the applicable permit number in the Authorization section of the final emissions event report [30 TEX. ADMIN. CODE § 101.201(b)(1)(H) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

plant shutdown on the loss of flow to critical heat exchangers. A temporary emergency procedure was implemented before the plant restarted to improve the loss of propylene procedures. On October 24, 2006, the temporary procedures were superseded with updates to the emergency procedures and personnel training was completed;

iii. On October 18, 2006, in order to eliminate confusion due to the valve design, the Plant relabeled the instrument air valves and included position indicators on the stem to externally indicate whether the valve is open or closed; and

iv. On November 13, 2006, the procedure to entering event data into the STEERS program was updated to include a more detailed list of the necessary information for emission events and maintenance, startups, and shutdowns and applicable personnel were informed.

c) Dow implemented the following corrective measures at the Plant as a result of the September 28, 2006 emissions event:

i. On January 25, 2007, submitted a corrective action plan to address the excessive emissions event that occurred July 16, 2004, which was received by the TCEQ on January 29, 2007 and approved on February 27, 2007;

ii. On August 12, 2004, established and implemented a reporting process from the analytical group for future cooling tower analysis; and

iii. On December 1, 2005, installed a gas detector that provides continuous monitoring that will alert operations immediately if a leak is detected.

**Ordering Provisions:**

2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).

3) The Order will require the Respondent to:

a) Upon Executive Director approval, implement the CAP in accordance with the approved schedule; and

		b) Upon completion of CAP implementation, submit written certification to demonstrate compliance with Ordering Provisions No. 3.a.
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Attachment A  
Docket Number: 2006-2225-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>The Dow Chemical Company</b>
<b>Payable Penalty Amount:</b>	<b>Eighty-Seven Thousand One Hundred Ninety-Two Dollars (\$87,192)</b>
<b>SEP Amount:</b>	<b>Forty-Three Thousand Five Hundred Ninety-Six Dollars (\$43,596)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program</b>
<b>Location of SEP:</b>	<b>Brazoria County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Brazoria County. The contribution will be used in accordance with the ***Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality***. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.



**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

**C. Minimum Expenditure**

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council  
Houston-Galveston AERCO  
P.O. Box 22777  
Houston, Texas 77227-2777

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088





The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

TCEQ

DATES

Assigned

4-Dec-2006

PCW

26-Feb-2007

Screening

11-Dec-2006

EPA Due

25-Aug-2007

## RESPONDENT/FACILITY INFORMATION

Respondent The Dow Chemical Company

Reg. Ent. Ref. No. RN100225945

Facility/Site Region 12-Houston

Major/Minor Source Major

## CASE INFORMATION

Enf./Case ID No. 31966

Docket No. 2006-2225-AIR-E

Media Program(s) Air Quality

Multi-Media

Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

No. of Violations 5

Order Type Findings

Enf. Coordinator Trina Grieco

EC's Team Enforcement Team 6

## Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$15,200

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 427% Enhancement

Subtotals 2, 3, & 7 \$64,904

Notes

Penalty enhancement due to 52 NOVs issued for same or similar violations, 17 NOVs issued for non-similar violations, 13 self-reported effluent discharge violations, 3 agreed orders containing a denial of liability, and 3 agreed order without a denial of liability. Penalty reduction due to 28 Notice of Audits submitted.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes

Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5 \$0

Before NOV

NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement\*

Subtotal 6 \$0

Total EB Amounts \$177  
Approx. Cost of Compliance \$3,200

\*Capped at the Total EB \$ Amount

## SUM OF SUBTOTALS 1-7

Final Subtotal \$80,104

## OTHER FACTORS AS JUSTICE MAY REQUIRE

25%

Adjustment \$20,026

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Recommended upward adjustment due to the significant amount of contaminants released to the environment as a result of Violation No. 1.

Final Penalty Amount \$100,130

## STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$87,192

## DEFERRAL

0%

Reduction

Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

## PAYABLE PENALTY

\$87,192

Screening Date 11-Dec-2006

Docket No. 2006-2225-AIR-E

PCW

Respondent The Dow Chemical Company

Case ID No. 31966

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100225945

Media [Statute] Air Quality

Enf. Coordinator Trina Grieco

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	52	260%
	Other written NOVs	30	60%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	3	75%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	28	-28%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 427%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Penalty enhancement due to 52 NOVs issued for same or similar violations, 17 NOVs issued for non-similar violations, 13 self-reported effluent discharge violations, 3 agreed orders containing a denial of liability, and 3 agreed order without a denial of liability. Penalty reduction due to 28 Notice of Audits submitted.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 427%

Screening Date 11-Dec-2006

Docket No. 2006-2225-AIR-E

PCW

Respondent The Dow Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 31966

PCW Revision, December 8, 2006

Reg. Ent. Reference No. RN100225945

Media [Statute] Air Quality

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 116.115(b)(2)(F), New Source Review ("NSR") Permit No. 19519, Maximum Allowable Emissions Rate Table and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 13,987.44 pounds ("lbs") of the highly reactive volatile organic compound (HRVOC) ethylene were released from Emission Point Number ("EPN") B25CT100 in the Polyethylene 2 Unit during an emissions event that began on July 16, 2004 and lasted 344 hours (Incident No. 43461). Since the emissions event was avoidable, improperly reported, and determined to be excessive, The Dow Chemical Company failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed 6.99 tons of HRVOCs which exceed levels that are protective of human health or environmental receptors.

Adjustment \$0

\$10,000

## Violation Events

Number of Violation Events 1

15 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$10,000

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$161

Violation Final Penalty Total \$65,875

This violation Final Assessed Penalty (adjusted for limits) \$65,875

## Economic Benefit Worksheet

**Respondent** The Dow Chemical Company  
**Case ID No.** 31966  
**Reg. Ent. Reference No.** RN100225945  
**Media** Air Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	16-Jul-2004	1-Oct-2007	3.2	\$161	n/a	\$161

Notes for DELAYED costs

Estimated cost to evaluate the preventative maintenance plan currently in place and either revise it or train employees on appropriate implementation of it. Date required based on the date of the start of the release. Final date based on the date corrective actions are projected to be completed.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$161

Screening Date 11-Dec-2006

Docket No. 2006-2225-AIR-E

PCW

Respondent The Dow Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 31966

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100225945

Media [Statute] Air Quality

Enf. Coordinator Trina Grieco

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1)(B) and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description Failed to submit an emissions event report within 24 hours after discovery of the event. Specifically, the emissions event was discovered on July 16, 2004 at 2:00 p.m., but was not reported until July 17, 2004 at 10:00 p.m.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$659

This violation Final Assessed Penalty (adjusted for limits) \$659

## Economic Benefit Worksheet

**Respondent** The Dow Chemical Company  
**Case ID No.** 31966  
**Reg. Ent. Reference No.** RN100225945  
**Media** Air Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	17-Jun-2004	1-Dec-2005	1.5	\$7	n/a	\$7

Notes for DELAYED costs

Estimated cost to prepare and submit an emissions event report. Date required based on the date the report was required to be submitted. Final date based on the date corrective actions were completed.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$7



Screening Date 11-Dec-2006

Docket No. 2006-2225-AIR-E

PCW

Respondent The Dow Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 31966

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100225945

Media [Statute] Air Quality

Enf. Coordinator Trina Grieco

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), NSR Permit No. X-7386, Special Condition 1 and  
Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 871.00 lbs of ethylene oxide were released from a rupture disc to the D-8 Drum in the Secondary Reactor R-2 Unit during an emissions event that began on September 27, 2006 and lasted 9 minutes (Incident No. 81910). These emissions are not authorized by the permit. Since the emissions event was avoidable, The Dow Chemical Company failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to an insignificant amount of pollutants which did not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,500

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$16,469

This violation Final Assessed Penalty (adjusted for limits) \$10,000

# Economic Benefit Worksheet

Respondent The Dow Chemical Company  
Case ID No. 31966  
Reg. Ent. Reference No. RN100225945  
Media Air Quality  
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	27-Sep-2006	14-Oct-2006	0.0	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to revise standard operating procedures for startup to include checking the status of the recycle valve to ensure it is closed before startup is initiated. Date required based on the date of the release. Final date based on the date corrective actions were completed.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$2

Screening Date 11-Dec-2006

Docket No. 2006-2225-AIR-E

PCW

Respondent The Dow Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 31966

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100225945

Media [Statute] Air Quality

Enf. Coordinator Trina Grieco

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), NSR Permit No. 19041, Special Condition 1 and  
Tex. Health & Safety Code § 382.085(b)

## Violation Description

Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 536.00 lbs of 1,2-dichloroethane, 235.50 lbs of hydrogen chloride, and 395.50 lbs of vinyl chloride were released from a pressure relief valve (PSV-215) in the Vinyl Chloride/EDC Unit 5 during an emissions event that began on September 28, 2006 and lasted less than 1 minute (Incident No. 81977). These emissions are not authorized by the permit. Since the emissions event was avoidable and improperly reported, The Dow Chemical Company failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to an insignificant amount of pollutants which did not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,500

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$16,469

This violation Final Assessed Penalty (adjusted for limits) \$10,000

# Economic Benefit Worksheet

Respondent The Dow Chemical Company  
Case ID No. 31966  
Reg. Ent. Reference No. RN100225945  
Media Air Quality  
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	28-Sep-2006	10-Nov-2006	0.1	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to train personnel on how to determine the position of the air supply valve to ensure that it is fully open. Date required based on the date of the release. Final date based on the date corrective actions were completed.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$6

Screening Date 11-Dec-2006

Docket No. 2006-2225-AIR-E

PCW

Respondent The Dow Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 31966

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100225945

Media [Statute] Air Quality

Enf. Coordinator Trina Grieco

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 101.201(b)(1)(H) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to include the applicable permit number in the Authorization section of the final emissions event report.

Base Penalty \$10,000

### >> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

### >> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

### Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

### Economic Benefit (EB) for this violation

### Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$659

This violation Final Assessed Penalty (adjusted for limits) \$659

## Economic Benefit Worksheet

**Respondent** The Dow Chemical Company  
**Case ID No.** 31966  
**Reg. Ent. Reference No.** RN100225945  
**Media** Air Quality  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	29-Sep-2006	13-Nov-2006	0.1	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure emissions events are properly reported. Date required based on the date the final report was submitted. Final date based on the date corrective actions were completed.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$1

# Compliance History

Customer/Respondent/Owner-Operator:	CN600356976	The Dow Chemical Company	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN100225945	DOW TEXAS OPERATIONS FREEPORT	Classification: AVERAGE	Site Rating: 5.26

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0082R
	AIR OPERATING PERMITS	PERMIT	1388
	AIR OPERATING PERMITS	PERMIT	2202
	AIR OPERATING PERMITS	PERMIT	2203
	AIR OPERATING PERMITS	PERMIT	2204
	AIR OPERATING PERMITS	PERMIT	2205
	AIR OPERATING PERMITS	PERMIT	2206
	AIR OPERATING PERMITS	PERMIT	2207
	AIR OPERATING PERMITS	PERMIT	2208
	AIR OPERATING PERMITS	PERMIT	2209
	AIR OPERATING PERMITS	PERMIT	2210
	AIR OPERATING PERMITS	PERMIT	2211
	AIR OPERATING PERMITS	PERMIT	2212
	AIR OPERATING PERMITS	PERMIT	2213
	AIR OPERATING PERMITS	PERMIT	2214
	AIR OPERATING PERMITS	PERMIT	2215
	AIR OPERATING PERMITS	PERMIT	2216
	AIR OPERATING PERMITS	PERMIT	2217
	AIR OPERATING PERMITS	PERMIT	2218
	AIR OPERATING PERMITS	PERMIT	2219
	AIR OPERATING PERMITS	PERMIT	2220
	AIR OPERATING PERMITS	PERMIT	2221
	AIR OPERATING PERMITS	PERMIT	2311
	AIR OPERATING PERMITS	PERMIT	2313
	AIR OPERATING PERMITS	PERMIT	2697
	AIR OPERATING PERMITS	PERMIT	N041
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200535
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200232
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200027
	WASTEWATER	PERMIT	WQ0000007000
	WASTEWATER	PERMIT	TPDES0006483
	WASTEWATER	PERMIT	TX0006483
	WASTEWATER	PERMIT	TPDES0006484
	WASTEWATER	PERMIT	TX0059447000
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008092793
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30106
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50161
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50161
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW059
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW071
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW076
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW081
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	38910
	AIR NEW SOURCE PERMITS	REGISTRATION	71636
	AIR NEW SOURCE PERMITS	PERMIT	2602
	AIR NEW SOURCE PERMITS	REGISTRATION	71888
	AIR NEW SOURCE PERMITS	REGISTRATION	72132
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AIR NEW SOURCE PERMITS	PERMIT	19792
AIR NEW SOURCE PERMITS	PERMIT	20266
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AIR NEW SOURCE PERMITS	REGISTRATION	76012
AIR NEW SOURCE PERMITS	PERMIT	75751



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AIR NEW SOURCE PERMITS	REGISTRATION	72794
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AIR NEW SOURCE PERMITS	REGISTRATION	76551
AIR NEW SOURCE PERMITS	EPA ID	PSDTX993
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AIR NEW SOURCE PERMITS	REGISTRATION	77143
AIR NEW SOURCE PERMITS	REGISTRATION	77171
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AIR NEW SOURCE PERMITS	REGISTRATION	77190
AIR NEW SOURCE PERMITS	REGISTRATION	77211
AIR NEW SOURCE PERMITS	REGISTRATION	77287
AIR NEW SOURCE PERMITS	REGISTRATION	77339
AIR NEW SOURCE PERMITS	REGISTRATION	77405
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AIR NEW SOURCE PERMITS	REGISTRATION	77522
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AIR NEW SOURCE PERMITS	REGISTRATION	77645
AIR NEW SOURCE PERMITS	REGISTRATION	77647
AIR NEW SOURCE PERMITS	REGISTRATION	77669
AIR NEW SOURCE PERMITS	REGISTRATION	77765
AIR NEW SOURCE PERMITS	REGISTRATION	77882
AIR NEW SOURCE PERMITS	REGISTRATION	78008
AIR NEW SOURCE PERMITS	AFS NUM	0041
AIR NEW SOURCE PERMITS	REGISTRATION	78248
AIR NEW SOURCE PERMITS	REGISTRATION	78255
AIR NEW SOURCE PERMITS	REGISTRATION	78257
AIR NEW SOURCE PERMITS	REGISTRATION	78285
AIR NEW SOURCE PERMITS	REGISTRATION	78286
AIR NEW SOURCE PERMITS	REGISTRATION	78331
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AIR NEW SOURCE PERMITS	PERMIT	3301
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AIR NEW SOURCE PERMITS	PERMIT	4021
AIR NEW SOURCE PERMITS	PERMIT	4031
AIR NEW SOURCE PERMITS	PERMIT	4085
AIR NEW SOURCE PERMITS	PERMIT	4310A
AIR NEW SOURCE PERMITS	PERMIT	5339
AIR NEW SOURCE PERMITS	PERMIT	5520
AIR NEW SOURCE PERMITS	PERMIT	5661
AIR NEW SOURCE PERMITS	PERMIT	6743
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AIR NEW SOURCE PERMITS	PERMIT	8047
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AIR NEW SOURCE PERMITS	PERMIT	9046
AIR NEW SOURCE PERMITS	PERMIT	9047
AIR NEW SOURCE PERMITS	PERMIT	9822
AIR NEW SOURCE PERMITS	PERMIT	10423
AIR NEW SOURCE PERMITS	PERMIT	10690
AIR NEW SOURCE PERMITS	PERMIT	10790
AIR NEW SOURCE PERMITS	PERMIT	10791
AIR NEW SOURCE PERMITS	PERMIT	10959
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AIR NEW SOURCE PERMITS	PERMIT	11566

AIR NEW SOURCE PERMITS	PERMIT	11567
AIR NEW SOURCE PERMITS	PERMIT	11644
AIR NEW SOURCE PERMITS	PERMIT	12128
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AIR NEW SOURCE PERMITS	PERMIT	12145
AIR NEW SOURCE PERMITS	PERMIT	12166
AIR NEW SOURCE PERMITS	PERMIT	12432
AIR NEW SOURCE PERMITS	PERMIT	12445
AIR NEW SOURCE PERMITS	PERMIT	12484
AIR NEW SOURCE PERMITS	PERMIT	12520
AIR NEW SOURCE PERMITS	PERMIT	13194
AIR NEW SOURCE PERMITS	PERMIT	13873
AIR NEW SOURCE PERMITS	PERMIT	15811
AIR NEW SOURCE PERMITS	PERMIT	16249
AIR NEW SOURCE PERMITS	PERMIT	16473
AIR NEW SOURCE PERMITS	PERMIT	7009
AIR NEW SOURCE PERMITS	PERMIT	13920
AIR NEW SOURCE PERMITS	PERMIT	14329
AIR NEW SOURCE PERMITS	PERMIT	17027
AIR NEW SOURCE PERMITS	PERMIT	17028
AIR NEW SOURCE PERMITS	PERMIT	17107
AIR NEW SOURCE PERMITS	PERMIT	17374
AIR NEW SOURCE PERMITS	PERMIT	20996
AIR NEW SOURCE PERMITS	PERMIT	20997
AIR NEW SOURCE PERMITS	PERMIT	18020
AIR NEW SOURCE PERMITS	PERMIT	18258
AIR NEW SOURCE PERMITS	PERMIT	18561
AIR NEW SOURCE PERMITS	PERMIT	18624
AIR NEW SOURCE PERMITS	PERMIT	18950
AIR NEW SOURCE PERMITS	PERMIT	19026
AIR NEW SOURCE PERMITS	PERMIT	19050
AIR NEW SOURCE PERMITS	PERMIT	19519
AIR NEW SOURCE PERMITS	PERMIT	20195
AIR NEW SOURCE PERMITS	PERMIT	20228
AIR NEW SOURCE PERMITS	PERMIT	20285
AIR NEW SOURCE PERMITS	PERMIT	20432
AIR NEW SOURCE PERMITS	PERMIT	20525
AIR NEW SOURCE PERMITS	PERMIT	20607
AIR NEW SOURCE PERMITS	PERMIT	20687
AIR NEW SOURCE PERMITS	PERMIT	20774
AIR NEW SOURCE PERMITS	PERMIT	20775
AIR NEW SOURCE PERMITS	PERMIT	20776
AIR NEW SOURCE PERMITS	PERMIT	20777
AIR NEW SOURCE PERMITS	PERMIT	20909
AIR NEW SOURCE PERMITS	PERMIT	21676
AIR NEW SOURCE PERMITS	PERMIT	22077
AIR NEW SOURCE PERMITS	PERMIT	22063
AIR NEW SOURCE PERMITS	PERMIT	22070
AIR NEW SOURCE PERMITS	PERMIT	22071
AIR NEW SOURCE PERMITS	PERMIT	22072
AIR NEW SOURCE PERMITS	PERMIT	22078
AIR NEW SOURCE PERMITS	PERMIT	22083
AIR NEW SOURCE PERMITS	PERMIT	22085
AIR NEW SOURCE PERMITS	PERMIT	22743
AIR NEW SOURCE PERMITS	PERMIT	22759
AIR NEW SOURCE PERMITS	PERMIT	22853
AIR NEW SOURCE PERMITS	PERMIT	22809
AIR NEW SOURCE PERMITS	PERMIT	22810
AIR NEW SOURCE PERMITS	PERMIT	22851
AIR NEW SOURCE PERMITS	PERMIT	22862
AIR NEW SOURCE PERMITS	PERMIT	22945
AIR NEW SOURCE PERMITS	PERMIT	23075
AIR NEW SOURCE PERMITS	PERMIT	23076
AIR NEW SOURCE PERMITS	PERMIT	23519
AIR NEW SOURCE PERMITS	PERMIT	23387
AIR NEW SOURCE PERMITS	PERMIT	23388
AIR NEW SOURCE PERMITS	PERMIT	23389
AIR NEW SOURCE PERMITS	PERMIT	24053
AIR NEW SOURCE PERMITS	PERMIT	24101
AIR NEW SOURCE PERMITS	PERMIT	24030
AIR NEW SOURCE PERMITS	PERMIT	26692
AIR NEW SOURCE PERMITS	PERMIT	25702
AIR NEW SOURCE PERMITS	PERMIT	27041
AIR NEW SOURCE PERMITS	PERMIT	26035
AIR NEW SOURCE PERMITS	PERMIT	25124

AIR NEW SOURCE PERMITS	PERMIT	25536
AIR NEW SOURCE PERMITS	PERMIT	28363
AIR NEW SOURCE PERMITS	PERMIT	28220
AIR NEW SOURCE PERMITS	PERMIT	30018
AIR NEW SOURCE PERMITS	PERMIT	30154
AIR NEW SOURCE PERMITS	PERMIT	29782
AIR NEW SOURCE PERMITS	PERMIT	30622
AIR NEW SOURCE PERMITS	PERMIT	30503
AIR NEW SOURCE PERMITS	PERMIT	30846
AIR NEW SOURCE PERMITS	PERMIT	31753
AIR NEW SOURCE PERMITS	PERMIT	31992
AIR NEW SOURCE PERMITS	PERMIT	32546
AIR NEW SOURCE PERMITS	PERMIT	33212
AIR NEW SOURCE PERMITS	PERMIT	33328
AIR NEW SOURCE PERMITS	PERMIT	33609
AIR NEW SOURCE PERMITS	PERMIT	33593
AIR NEW SOURCE PERMITS	PERMIT	33608
AIR NEW SOURCE PERMITS	PERMIT	33885
AIR NEW SOURCE PERMITS	PERMIT	34111
AIR NEW SOURCE PERMITS	PERMIT	34116
AIR NEW SOURCE PERMITS	PERMIT	34368
AIR NEW SOURCE PERMITS	PERMIT	34545
AIR NEW SOURCE PERMITS	PERMIT	34541
AIR NEW SOURCE PERMITS	PERMIT	35022
AIR NEW SOURCE PERMITS	PERMIT	35012
AIR NEW SOURCE PERMITS	PERMIT	35204
AIR NEW SOURCE PERMITS	PERMIT	35203
AIR NEW SOURCE PERMITS	PERMIT	35364
AIR NEW SOURCE PERMITS	PERMIT	35413
AIR NEW SOURCE PERMITS	PERMIT	35658
AIR NEW SOURCE PERMITS	PERMIT	36002
AIR NEW SOURCE PERMITS	PERMIT	36397
AIR NEW SOURCE PERMITS	PERMIT	25205
AIR NEW SOURCE PERMITS	PERMIT	36554
AIR NEW SOURCE PERMITS	PERMIT	36523
AIR NEW SOURCE PERMITS	PERMIT	36569
AIR NEW SOURCE PERMITS	PERMIT	36634
AIR NEW SOURCE PERMITS	PERMIT	37000
AIR NEW SOURCE PERMITS	PERMIT	37290
AIR NEW SOURCE PERMITS	PERMIT	37122
AIR NEW SOURCE PERMITS	PERMIT	37569
AIR NEW SOURCE PERMITS	PERMIT	37884
AIR NEW SOURCE PERMITS	PERMIT	37667
AIR NEW SOURCE PERMITS	PERMIT	37618
AIR NEW SOURCE PERMITS	PERMIT	38157
AIR NEW SOURCE PERMITS	PERMIT	38156
AIR NEW SOURCE PERMITS	PERMIT	38861
AIR NEW SOURCE PERMITS	PERMIT	38759
AIR NEW SOURCE PERMITS	PERMIT	39609
AIR NEW SOURCE PERMITS	PERMIT	39450
AIR NEW SOURCE PERMITS	PERMIT	40046
AIR NEW SOURCE PERMITS	PERMIT	40479
AIR NEW SOURCE PERMITS	PERMIT	40430
AIR NEW SOURCE PERMITS	PERMIT	40854
AIR NEW SOURCE PERMITS	PERMIT	41163
AIR NEW SOURCE PERMITS	PERMIT	41108
AIR NEW SOURCE PERMITS	PERMIT	41498
AIR NEW SOURCE PERMITS	PERMIT	41179
AIR NEW SOURCE PERMITS	PERMIT	41304
AIR NEW SOURCE PERMITS	PERMIT	41302
AIR NEW SOURCE PERMITS	PERMIT	41542
AIR NEW SOURCE PERMITS	PERMIT	41760
AIR NEW SOURCE PERMITS	PERMIT	41555
AIR NEW SOURCE PERMITS	PERMIT	42190
AIR NEW SOURCE PERMITS	PERMIT	42611
AIR NEW SOURCE PERMITS	PERMIT	42327
AIR NEW SOURCE PERMITS	PERMIT	42464
AIR NEW SOURCE PERMITS	PERMIT	42384
AIR NEW SOURCE PERMITS	PERMIT	42923
AIR NEW SOURCE PERMITS	PERMIT	43382
AIR NEW SOURCE PERMITS	PERMIT	43381
AIR NEW SOURCE PERMITS	PERMIT	43417
AIR NEW SOURCE PERMITS	PERMIT	43416
AIR NEW SOURCE PERMITS	PERMIT	43592
AIR NEW SOURCE PERMITS	PERMIT	43698

AIR NEW SOURCE PERMITS	PERMIT	42443
AIR NEW SOURCE PERMITS	PERMIT	43813
AIR NEW SOURCE PERMITS	PERMIT	43859
AIR NEW SOURCE PERMITS	PERMIT	43959
AIR NEW SOURCE PERMITS	PERMIT	43960
AIR NEW SOURCE PERMITS	PERMIT	44002
AIR NEW SOURCE PERMITS	PERMIT	44001
AIR NEW SOURCE PERMITS	PERMIT	44036
AIR NEW SOURCE PERMITS	PERMIT	44056
AIR NEW SOURCE PERMITS	PERMIT	44118
AIR NEW SOURCE PERMITS	PERMIT	44411
AIR NEW SOURCE PERMITS	PERMIT	44464
AIR NEW SOURCE PERMITS	PERMIT	44465
AIR NEW SOURCE PERMITS	PERMIT	44608
AIR NEW SOURCE PERMITS	PERMIT	44622
AIR NEW SOURCE PERMITS	PERMIT	44718
AIR NEW SOURCE PERMITS	PERMIT	44719
AIR NEW SOURCE PERMITS	PERMIT	44833
AIR NEW SOURCE PERMITS	PERMIT	44834
AIR NEW SOURCE PERMITS	PERMIT	45097
AIR NEW SOURCE PERMITS	PERMIT	45152
AIR NEW SOURCE PERMITS	PERMIT	45449
AIR NEW SOURCE PERMITS	PERMIT	46009
AIR NEW SOURCE PERMITS	PERMIT	46174
AIR NEW SOURCE PERMITS	PERMIT	46173
AIR NEW SOURCE PERMITS	PERMIT	46306
AIR NEW SOURCE PERMITS	PERMIT	46378
AIR NEW SOURCE PERMITS	PERMIT	46429
AIR NEW SOURCE PERMITS	PERMIT	46428
AIR NEW SOURCE PERMITS	PERMIT	46431
AIR NEW SOURCE PERMITS	PERMIT	46481
AIR NEW SOURCE PERMITS	PERMIT	46568
AIR NEW SOURCE PERMITS	PERMIT	46658
AIR NEW SOURCE PERMITS	PERMIT	46682
AIR NEW SOURCE PERMITS	PERMIT	46767
AIR NEW SOURCE PERMITS	PERMIT	46798
AIR NEW SOURCE PERMITS	PERMIT	46911
AIR NEW SOURCE PERMITS	PERMIT	46987
AIR NEW SOURCE PERMITS	PERMIT	47095
AIR NEW SOURCE PERMITS	PERMIT	47092
AIR NEW SOURCE PERMITS	PERMIT	47203
AIR NEW SOURCE PERMITS	PERMIT	47114
AIR NEW SOURCE PERMITS	PERMIT	47374
AIR NEW SOURCE PERMITS	PERMIT	47347
AIR NEW SOURCE PERMITS	PERMIT	47352
AIR NEW SOURCE PERMITS	PERMIT	47564
AIR NEW SOURCE PERMITS	PERMIT	47970
AIR NEW SOURCE PERMITS	PERMIT	48027
AIR NEW SOURCE PERMITS	PERMIT	48343
AIR NEW SOURCE PERMITS	PERMIT	48337
AIR NEW SOURCE PERMITS	PERMIT	48414
AIR NEW SOURCE PERMITS	PERMIT	48567
AIR NEW SOURCE PERMITS	PERMIT	48715
AIR NEW SOURCE PERMITS	PERMIT	48478
AIR NEW SOURCE PERMITS	PERMIT	48479
AIR NEW SOURCE PERMITS	PERMIT	48813
AIR NEW SOURCE PERMITS	PERMIT	49187
AIR NEW SOURCE PERMITS	PERMIT	49235
AIR NEW SOURCE PERMITS	PERMIT	49253
AIR NEW SOURCE PERMITS	PERMIT	47314
AIR NEW SOURCE PERMITS	PERMIT	49685
AIR NEW SOURCE PERMITS	PERMIT	37957
AIR NEW SOURCE PERMITS	PERMIT	9871
AIR NEW SOURCE PERMITS	PERMIT	9938
AIR NEW SOURCE PERMITS	PERMIT	9973
AIR NEW SOURCE PERMITS	PERMIT	834
AIR NEW SOURCE PERMITS	PERMIT	13682
AIR NEW SOURCE PERMITS	PERMIT	313
AIR NEW SOURCE PERMITS	PERMIT	646
AIR NEW SOURCE PERMITS	PERMIT	1407
AIR NEW SOURCE PERMITS	PERMIT	1430
AIR NEW SOURCE PERMITS	PERMIT	1496
AIR NEW SOURCE PERMITS	PERMIT	1496B
AIR NEW SOURCE PERMITS	PERMIT	1496C
AIR NEW SOURCE PERMITS	PERMIT	2008

AIR NEW SOURCE PERMITS	PERMIT	2804
AIR NEW SOURCE PERMITS	PERMIT	49715
AIR NEW SOURCE PERMITS	PERMIT	85494
AIR NEW SOURCE PERMITS	PERMIT	49965
AIR NEW SOURCE PERMITS	PERMIT	50298
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0082R
AIR NEW SOURCE PERMITS	PERMIT	941
AIR NEW SOURCE PERMITS	PERMIT	2417
AIR NEW SOURCE PERMITS	PERMIT	3434
AIR NEW SOURCE PERMITS	PERMIT	3941
AIR NEW SOURCE PERMITS	PERMIT	3947
AIR NEW SOURCE PERMITS	PERMIT	10770
AIR NEW SOURCE PERMITS	PERMIT	11275
AIR NEW SOURCE PERMITS	PERMIT	11832
AIR NEW SOURCE PERMITS	PERMIT	12173
AIR NEW SOURCE PERMITS	PERMIT	12755
AIR NEW SOURCE PERMITS	PERMIT	15718
AIR NEW SOURCE PERMITS	PERMIT	15988
AIR NEW SOURCE PERMITS	PERMIT	18211
AIR NEW SOURCE PERMITS	PERMIT	18320
AIR NEW SOURCE PERMITS	PERMIT	19041
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0023K
AIR NEW SOURCE PERMITS	REGISTRATION	78471
AIR NEW SOURCE PERMITS	REGISTRATION	78482
AIR NEW SOURCE PERMITS	REGISTRATION	78570
AIR NEW SOURCE PERMITS	REGISTRATION	78626
AIR NEW SOURCE PERMITS	REGISTRATION	78680
AIR NEW SOURCE PERMITS	REGISTRATION	78668
AIR NEW SOURCE PERMITS	REGISTRATION	78897
AIR NEW SOURCE PERMITS	REGISTRATION	78966
AIR NEW SOURCE PERMITS	REGISTRATION	79131
AIR NEW SOURCE PERMITS	REGISTRATION	79130
AIR NEW SOURCE PERMITS	REGISTRATION	79202
AIR NEW SOURCE PERMITS	REGISTRATION	79243
AIR NEW SOURCE PERMITS	REGISTRATION	79348
AIR NEW SOURCE PERMITS	REGISTRATION	79383
AIR NEW SOURCE PERMITS	REGISTRATION	79806
AIR NEW SOURCE PERMITS	REGISTRATION	79920
AIR NEW SOURCE PERMITS	REGISTRATION	80240
AIR NEW SOURCE PERMITS	REGISTRATION	80161
AIR NEW SOURCE PERMITS	REGISTRATION	80372
AIR NEW SOURCE PERMITS	REGISTRATION	80360
AIR NEW SOURCE PERMITS	REGISTRATION	80380
WATER LICENSING	LICENSE	0200232
WASTEWATER LICENSING	LICENSE	WQ0000007000
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50161
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30106

Location: 2301 N BRAZOSPORT BLVD, FREEPORT, TX, 77541 Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 05, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 05, 2001 to December 05, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Trina Grieco Phone: (210) 403-4006

#### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

#### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)  
30 TAC Chapter 335, SubChapter E 335.112(a)(9)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(b)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(f)

Description: Failure to provide a secondary containment for ancillary piping having threaded connections for valves, gauges, and joints.

## Findings

Effective Date: 01/07/2002

ADMINORDER 2000-1459-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(A)  
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(B)

30 TAC Chapter 101, SubChapter A 101.6(a)(2)(C)  
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit complete notifications for 29 upsets.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.0518(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Dow has allowed unauthorized emissions into the atmosphere.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(1)  
40 CFR Part 63, Subpart G 63.119(a)(1)

Rqmt Prov: SC No. 2 PERMIT

Description: Failure to properly control emissions from Benzene Tank AD-20X.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(2)(A)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 2 PERMIT

Description: Failure to properly control emissions from Reactor R-5.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(2)(A)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 2A PERMIT

Description: Failure to properly control emissions from Distillation Tower T-30.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter E 115.421(a)(9)(A)(ii)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to meet the applicable emission specification of the daily weighted average of all coatings delivered to the coating line of 3.5 lbs VOC/gallon.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SP No. 13E PERMIT

Description: Failed to submit emissions testing report for BIF Boiler F-2820 within the required deadline of 30 days following completion of testing.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SP No. 1 PERMIT

Description: Failed to maintain compliance with the permitted maximum allowable VOC emission rates.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to maintain compliance with permit representations without first obtaining a permit amendment.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SP NO. 8C PERMIT

Description: Failed to conduct initial compliance testing of Water Scrubbers SV-7000 within 60 days of initial start-up.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SP No. 8F PERMIT

Description: Failed to submit three copies of the final sampling report to the TNRCC within 30 days after sampling was completed.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)[G]  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GP No. 9A PERMIT  
SP No. 8B PERMIT

SP No. 8E PERMIT

Description: Failed to achieve 99.9% DRE for butylene oxide and 99.6% DRE for all other carbon compound waste streams from the Absorber.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)[G]  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GP No. 9C PERMIT

Description: Failed to perform sampling and other testing to establish pounds per hour of VOC being emitted from the cooling tower.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)[G]  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GP No. 9C PERMIT

Description: Failed to conduct monthly VOC monitoring of the cooling tower.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC No. 7E PERMIT

Description: Failed to install a plug on an open ended valve on a bleed pump in VOC service.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)[G]  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Dow allowed visible emissions from the Epoxy Intermediates Plant (B-2300) for greater than 5 minutes on June 30, 2000.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)[G]  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Not Specified PERMIT

Description: Dow has failed to properly maintain the elevated flare in the LHC 8 unit of OC-601 and allowed visible emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.7[G]  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Dow has failed to submit a complete final report for maintenance activity conducted in the LHC-7 of



Plant on September 25, 2000.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Dow has failed to submit a complete final report for an upset in the LHC 7 of B-7200 occurring on September 13, 2000.

## AO 1660

**Effective Date:** 04/14/2006

ADMINORDER 2005-0716-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flex Air Permit No. 20432, SC III-1 PERMIT

Description: Failed to prevent unauthorized emissions of 2,372.99 pounds (lbs) of volatile organic compounds (VOCs), 2,753.36 lbs of carbon monoxide (CO), and 100% opacity.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit an initial report within 24 hours after the discovery of an emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 834, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions of 1,174 pounds lbs of VOCs.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit No. 5340, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions of 443.94 pounds lbs of VOCs.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #20996, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions of 66.64 lbs of 1,2-butylene oxide, 3,905.8 lbs of VOCs, 482.98 lbs of ethylene oxide, and 22.54 lbs of propylene oxide.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit 48813, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions of 1,893 lbs VOCs.

## Findings

**Effective Date:** 03/22/2002

ADMINORDER 2001-0854-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT F 61.65(b)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 12(A) PERMIT

Description: Failure to prevent a release of 3000 pounds of vinyl chloride monomer to the atmosphere.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter E 290.51(a)(3)  
5B THC Chapter 370, SubChapter B 370.008[G]

Description: Failure to pay outstanding Public Health Service and Toxic Chemical Release fees for Acct #'s 90200543 and 0500287 during FY 01.

## Findings

**Effective Date:** 08/07/2005

ADMINORDER 2004-0572-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #X-7386, SC#1 PERMIT  
Description: Failed to prevent the premature failure of Primary Reactor R-1 rupture disk which resulted in the release of unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit 3301, Special Condition #9 PERMIT  
Description: Failed to maintain logs whenever a chlorine leak is discovered in the unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit 4022, Special Condition #7 PERMIT  
Description: Failed to maintain a minimum of at least 8 weight percent caustic concentration in the series-operated D-206A/T-206A Scrubbers.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit 3301, Special Condition #1 PERMIT  
Description: Failed to adhere to the permitted limit in tons per year (EPN No. B47F1) for CO during CY 2002.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter B 116.116(a)[G]  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit 4021, Special Condition #9 PERMIT  
Description: Failed to operate the tail gas back-up-scrubber (EPN No. B22SV31) exclusively within the conditions of the permit.

1660

Effective Date: 11/11/2004

ADMINORDER 2003-0947-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 46429 PERMIT  
Description: Failure to demonstrate a VOC DRE of at least 99.99% as required by Permit No. 46429, SC 8.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 46429 MAERT PERMIT  
Description: Failure to demonstrate compliance with VOC #/hr emission limits as required by Permit 46429 MAERT.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 46429 SC14 PERMIT  
Description: Failure to provide a compliance test for NOx as specified in 40CFR60, Appendix A, Method 7E, § 2 as referenced to Method 6C, § 2.1 and 2.2.  
3. Failure to provide a compliance test for NOx as specified in 40CFR60, Appendix A, Method 7E, § 2 as referenced to Method 6C, § 2.1 and 2.2.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 08/13/2002 (8036)

2	02/28/2003	(26378)
3	07/03/2002	(4135)
4	10/24/2002	(159615)
5	08/21/2003	(151151)
6	07/19/2002	(4762)
7	06/24/2003	(60303)
8	09/26/2002	(12350)
9	10/15/2002	(12337)
10	08/15/2002	(6894)
11	02/03/2003	(286198)
12	08/31/2004	(272564)
13	02/05/2004	(258950)
14	01/07/2005	(338837)
15	12/04/2006	(518693)
16	07/07/2004	(258307)
17	09/26/2002	(11829)
18	08/24/2005	(403273)
19	06/28/2005	(376054)
20	10/31/2004	(276897)
21	03/07/2005	(372291)
22	12/22/2004	(289575)
23	01/21/2005	(337408)
24	07/14/2006	(457318)
25	05/17/2006	(462138)
26	09/25/2002	(159612)
27	03/18/2005	(346350)
28	07/30/2003	(133869)
29	10/29/2002	(14541)
30	12/15/2003	(254080)
31	02/03/2006	(436165)
32	07/22/2005	(397876)
33	06/17/2005	(376522)
34	10/26/2005	(432895)
35	08/25/2005	(404533)
36	05/30/2003	(60877)
37	09/17/2003	(248098)
38	10/25/2006	(509774)
39	06/16/2004	(247738)
40	09/01/2006	(487866)
41	08/26/2002	(159609)
42	08/14/2006	(483129)
43	12/17/2004	(286731)
44	05/17/2005	(376212)
45	04/12/2004	(264619)
46	10/11/2006	(512347)
47	02/11/2004	(260442)
48	07/12/2005	(393369)
49	06/30/2004	(266880)
50	06/02/2004	(272991)
51	07/28/2005	(380321)
52	12/16/2004	(285097)
53	03/07/2003	(21400)
54	04/30/2004	(255002)
55	09/18/2006	(509863)
56	08/31/2004	(273678)
57	08/23/2002	(4928)
58	11/15/2006	(518266)
59	03/02/2005	(372448)
60	09/04/2002	(9088)
61	02/23/2004	(260927)
62	05/23/2005	(262475)
63	07/31/2002	(5786)
64	08/04/2003	(36623)
65	03/17/2006	(340573)
66	05/17/2006	(461234)
67	07/29/2002	(159606)
68	08/07/2006	(466313)
69	12/20/2004	(339119)
70	08/07/2002	(7213)
71	07/08/2005	(376056)

72	03/07/2005	(372281)
73	03/23/2005	(347781)
74	07/01/2005	(378760)
75	01/10/2006	(436188)
76	08/19/2002	(4885)
77	08/30/2003	(152221)
78	07/14/2006	(486688)
79	01/03/2003	(15110)
80	10/11/2002	(11055)
81	08/25/2002	(8609)
82	09/30/2005	(402695)
83	01/07/2005	(339147)
84	07/02/2003	(35418)
85	11/18/2002	(12073)
86	11/28/2006	(340237)
87	03/22/2004	(263436)
88	07/22/2005	(397878)
89	07/31/2002	(6169)
90	08/18/2006	(465699)
91	05/09/2006	(459139)
92	08/28/2006	(484741)
93	08/08/2005	(396518)
94	12/31/2004	(338842)
95	08/18/2004	(277856)
96	02/24/2005	(339179)
97	02/21/2005	(337409)
98	05/11/2006	(459075)
99	08/14/2006	(483077)
100	12/17/2004	(339587)
101	11/15/2005	(435315)
102	01/27/2005	(347186)
103	03/29/2004	(264628)
104	02/23/2005	(346354)
105	05/14/2004	(248280)
106	06/03/2004	(258305)
107	03/10/2004	(261603)
108	06/15/2006	(481001)
109	08/08/2003	(159603)
110	06/02/2005	(376058)
111	06/25/2002	(159602)
112	02/21/2005	(344830)
113	08/22/2003	(150711)
114	08/31/2004	(273416)
115	07/22/2005	(397880)
116	08/14/2003	(150122)
117	02/09/2006	(435249)
118	09/01/2006	(489802)
119	01/27/2003	(21017)
120	09/04/2003	(247717)
121	10/16/2002	(12820)
122	03/24/2006	(374721)
123	09/14/2005	(431669)
124	08/31/2006	(457309)
125	11/04/2004	(338243)
126	10/26/2005	(432986)
127	03/02/2006	(431805)
128	09/01/2004	(267453)
129	05/17/2006	(463636)
130	12/09/2002	(14830)
131	07/22/2005	(397881)
132	08/14/2002	(7906)
133	08/11/2005	(377164)
134	08/25/2003	(151529)
135	01/28/2002	(IE0018454001001)
136	12/28/2004	(251988)
137	08/31/2004	(273127)
138	05/19/2003	(159599)
139	02/06/2004	(251940)
140	02/03/2004	(257672)
141	05/23/2005	(345033)
142	03/23/2006	(436917)

143	08/15/2006	(489783)
144	12/04/2006	(518648)
145	04/17/2006	(459765)
146	05/20/2005	(392573)
147	08/04/2005	(398933)
148	01/27/2006	(436181)
149	03/20/2003	(23813)
150	05/20/2002	(159598)
151	06/02/2005	(376059)
152	12/16/2004	(286819)
153	12/13/2004	(339850)
154	06/23/2003	(35416)
155	07/09/2002	(2159)
156	03/06/2003	(26396)
157	12/17/2004	(338429)
158	01/06/2005	(339121)
159	01/31/2005	(347857)
160	11/30/2006	(532072)
161	07/17/2006	(462746)
162	09/07/2006	(510182)
163	05/17/2005	(376280)
164	04/28/2003	(159595)
165	12/28/2004	(256034)
166	07/28/2004	(276490)
167	08/31/2004	(273881)
168	08/20/2002	(7588)
169	07/31/2003	(33803)
170	07/19/2002	(4827)
171	04/30/2002	(159594)
172	07/21/2006	(482501)
173	08/25/2006	(509011)
174	07/17/2002	(4563)
175	10/12/2006	(515784)
176	06/22/2006	(458889)
177	11/08/2006	(515899)
178	07/11/2005	(393361)
179	08/15/2006	(490271)
180	02/27/2006	(436730)
181	08/14/2006	(483124)
182	05/27/2003	(29063)
183	08/30/2003	(149187)
184	05/26/2004	(352355)
185	08/22/2006	(490091)
186	05/28/2003	(31177)
187	02/21/2005	(337411)
188	06/28/2004	(352356)
189	08/22/2005	(396197)
190	01/16/2002	(120354)
191	08/29/2005	(398935)
192	01/17/2006	(376062)
193	05/24/2005	(380324)
194	03/31/2006	(436922)
195	07/26/2004	(352357)
196	07/19/2002	(5014)
197	12/04/2006	(518746)
198	07/14/2006	(484040)
199	09/01/2006	(509414)
200	05/27/2005	(379484)
201	08/27/2004	(267540)
202	08/18/2006	(483113)
203	06/15/2005	(380845)
204	11/26/2003	(250021)
205	10/26/2005	(432935)
206	01/07/2005	(339138)
207	08/24/2004	(352358)
208	09/29/2006	(513116)
209	11/30/2006	(519472)
210	07/13/2005	(397022)
211	11/05/2004	(334318)
212	09/23/2004	(352359)

213	02/25/2005	(345303)
214	10/30/2006	(512117)
215	08/31/2002	(10381)
216	07/18/2006	(481382)
217	08/28/2006	(497117)
218	08/15/2005	(398936)
219	10/22/2004	(352360)
220	11/01/2004	(285137)
221	02/21/2005	(345433)
222	08/15/2005	(393373)
223	08/16/2002	(7720)
224	08/31/2004	(272729)
225	03/21/2003	(159590)
226	08/17/2004	(284165)
227	08/15/2002	(7525)
228	11/24/2004	(352361)
229	08/05/2005	(398937)
230	08/25/2005	(397853)
231	01/09/2004	(254701)
232	08/11/2006	(457284)
233	05/25/2006	(462747)
234	02/03/2003	(285652)
235	04/19/2006	(459137)
236	08/31/2002	(8599)
237	08/27/2004	(266751)
238	08/07/2002	(7201)
239	03/20/2002	(159589)
240	06/14/2005	(375259)
241	08/30/2005	(398938)
242	07/26/2003	(61449)
243	04/17/2006	(454234)
244	11/10/2006	(517068)
245	02/26/2004	(296001)
246	11/07/2006	(516999)
247	09/05/2002	(10360)
248	12/19/2002	(18859)
249	11/07/2006	(516589)
250	03/10/2005	(346208)
251	03/15/2004	(262011)
252	06/30/2003	(35785)
253	05/14/2004	(263118)
254	02/01/2005	(347843)
255	10/01/2003	(250440)
256	11/05/2004	(334295)
257	02/27/2006	(453320)
258	03/22/2004	(296004)
259	10/31/2003	(253956)
260	07/14/2006	(480854)
261	02/28/2003	(159586)
262	06/24/2005	(396413)
263	08/31/2004	(272789)
264	04/19/2004	(296006)
265	03/10/2004	(264415)
266	05/28/2003	(31159)
267	07/17/2006	(462748)
268	02/20/2002	(159585)
269	09/07/2004	(291280)
270	05/06/2005	(376209)
271	08/29/2004	(265955)
272	02/28/2005	(381956)
273	08/05/2005	(396199)
274	05/25/2006	(462749)
275	11/22/2004	(335797)
276	08/27/2004	(279078)
277	08/25/2006	(484732)
278	10/30/2002	(10265)
279	03/28/2005	(381957)
280	05/24/2004	(31438)
281	10/26/2005	(431242)
282	07/28/2004	(282417)
283	12/16/2004	(114225)

284	12/10/2004	(114224)
285	08/19/2005	(404732)
286	07/14/2006	(480399)
287	05/19/2003	(28851)
288	12/23/2004	(381958)
289	10/26/2005	(432043)
290	04/23/2004	(265028)
291	05/11/2006	(459108)
292	08/31/2004	(272814)
293	01/21/2005	(381959)
294	10/31/2004	(276789)
295	07/14/2006	(480559)
296	07/14/2006	(485731)
297	03/15/2004	(261999)
298	01/31/2005	(347762)
299	05/12/2004	(257994)
300	09/28/2005	(406914)
301	07/23/2003	(296010)
302	12/13/2004	(336762)
303	09/01/2004	(277902)
304	09/08/2006	(489713)
305	09/30/2002	(7575)
306	05/10/2005	(346362)
307	12/17/2002	(15107)
308	04/14/2003	(27517)
309	10/30/2006	(509665)
310	08/18/2006	(480155)
311	01/14/2005	(338682)
312	11/30/2005	(373986)
313	08/18/2006	(338817)
314	10/31/2004	(289698)
315	07/21/2005	(393364)
316	08/15/2003	(140682)
317	11/30/2003	(126059)
318	11/01/2004	(284370)
319	08/26/2003	(296012)
320	08/27/2002	(9435)
321	08/23/2006	(509637)
322	08/15/2002	(7533)
323	08/19/2003	(150391)
324	01/31/2003	(159627)
325	03/18/2005	(346346)
326	08/16/2004	(281509)
327	12/21/2004	(334606)
328	03/21/2005	(346710)
329	07/21/2006	(457258)
330	08/28/2006	(490104)
331	11/21/2006	(519005)
332	04/23/2004	(258324)
333	10/01/2003	(296014)
334	05/31/2005	(346355)
335	06/26/2003	(60783)
336	01/05/2005	(285365)
337	09/08/2006	(489814)
338	02/05/2004	(260440)
339	01/29/2002	(159626)
340	05/26/2004	(258253)
341	10/16/2002	(12725)
342	06/22/2005	(350704)
343	09/07/2004	(333240)
344	04/17/2006	(436288)
345	09/01/2006	(509787)
346	08/31/2004	(274129)
347	10/01/2003	(250457)
348	04/11/2006	(454294)
349	10/12/2006	(515660)
350	01/27/2003	(21168)
351	04/29/2004	(255279)
352	10/23/2003	(296016)
353	11/01/2004	(285135)
354	06/24/2005	(396517)

355	09/28/2005	(402693)
356	04/30/2004	(254073)
357	04/13/2004	(265611)
358	08/15/2006	(462106)
359	07/28/2004	(282469)
360	10/05/2005	(374026)
361	04/26/2006	(433177)
362	08/29/2003	(152748)
363	03/30/2004	(264622)
364	08/05/2005	(393374)
365	02/23/2005	(346345)
366	04/17/2006	(433179)
367	11/24/2003	(296017)
368	03/04/2003	(26394)
369	03/23/2006	(433180)
370	06/01/2004	(254581)
371	03/28/2006	(436841)
372	12/23/2002	(159623)
373	10/25/2006	(516468)
374	04/01/2005	(345046)
375	08/17/2004	(273076)
376	05/04/2005	(347119)
377	09/01/2005	(403238)
378	08/09/2002	(7520)
379	08/07/2003	(61967)
380	05/17/2005	(376237)
381	01/07/2005	(339177)
382	12/24/2003	(296018)
383	11/01/2004	(286768)
384	09/01/2006	(509679)
385	08/23/2006	(457315)
386	12/27/2001	(159622)
387	11/30/2003	(249732)
388	12/22/2004	(289567)
389	02/07/2006	(436297)
390	03/22/2005	(346347)
391	07/20/2004	(278387)
392	05/23/2005	(376200)
393	05/11/2006	(289568)
394	08/12/2005	(285295)
395	01/21/2004	(296019)
396	08/17/2004	(284292)
397	08/23/2006	(457302)
398	03/15/2004	(261987)
399	07/17/2006	(482291)
400	08/07/2006	(438858)
401	05/24/2006	(466817)
402	11/12/2003	(254614)
403	12/30/2005	(433116)
404	12/04/2006	(518847)
405	02/11/2004	(260085)
406	03/31/2006	(454296)
407	09/08/2006	(490187)
408	01/09/2005	(339130)
409	08/07/2002	(7186)
410	02/12/2003	(22520)
411	08/16/2002	(8175)
412	05/04/2005	(338714)
413	05/25/2006	(462949)
414	01/31/2005	(347883)
415	08/16/2002	(7857)
416	07/06/2004	(258308)
417	08/19/2002	(6722)
418	09/01/2006	(508889)
419	09/08/2006	(490183)
420	09/01/2006	(497542)
421	08/08/2006	(479807)
422	11/27/2002	(159619)
423	05/17/2006	(465607)
424	02/11/2004	(260441)
425	06/14/2005	(350783)



426 11/30/2005 (435278)  
 427 12/16/2004 (289573)  
 428 09/01/2006 (487340)  
 429 06/29/2005 (347598)  
 430 04/08/2005 (347573)  
 431 09/12/2005 (406575)  
 432 02/21/2005 (345507)  
 433 05/31/2006 (457316)  
 434 09/01/2006 (489195)  
 435 01/09/2004 (253974)  
 436 08/23/2006 (484737)  
 437 09/07/2006 (510901)  
 438 12/13/2004 (334315)  
 439 08/15/2002 (7408)  
 440 05/17/2004 (253533)  
 441 06/30/2004 (267508)  
 442 06/30/2004 (267938)  
 443 10/26/2005 (432097)  
 444 09/08/2006 (510155)  
 445 01/09/2004 (254710)  
 446 12/06/2004 (284914)  
 447 08/27/2002 (9436)  
 448 08/31/2002 (4886)  
 449 08/19/2005 (393378)  
 450 07/19/2002 (5209)  
 451 01/17/2005 (249734)  
 452 08/29/2003 (151240)  
 453 08/18/2006 (338822)  
 454 08/11/2006 (247956)  
 455 05/27/2005 (374664)  
 456 12/20/2004 (339116)  
 457 02/21/2005 (344930)  
 458 08/22/2006 (484727)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

<b>NS</b>	<b>Date:</b> 03/05/2003 (26396) Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(3)[G] Description: Failure to have at least a B-surface water operator.
<b>DMR</b>	<b>Date:</b> 09/30/2002 (159615) Self Report? YES Classification: Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G] Description: Failure to meet the limit for one or more permit parameter
<b>S/S</b>	<b>Date:</b> 04/18/2006 (433179) Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B) 30 TAC Chapter 101, SubChapter F 101.201(b) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b) Rqmt Prov: PERMIT IA Description: Failure to notify and report in a timely manner following a reportable emissions event (Incident No. 64153).
<b>S/S</b>	<b>Date:</b> 06/01/2004 (254581) Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 106, SubChapter K 106.261(2) 5C THC Chapter 382, SubChapter A 382.085(b) Description: Avoidable emissions event.
<b>S/S</b>	<b>Date:</b> 08/31/2006 (457309) Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) Rqmt Prov: OP IA Description: Failure to conduct the visible emissions observations for the units in B6200, B4300 area during the compliance years 2004 and 2005.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP IA  
PERMIT IA

Description: Failure to conduct the quarterly cylinder gas audit (CGA) analysis of the continuous emissions monitoring system (CEMS) for the EPN B62CB1.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP IA  
PERMIT IA

Description: Failure to maintain the sulfur content of the waste oils burned in the boilers below 50 ppmw.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP IA  
PERMIT IA

Description: Failure to cap or plug the Eight (8) open-ended lines in VOC service in the O-02207 Title V permit area.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP IA  
PERMIT IA

Description: Failure to monitor nine pumps in VHAP service in the O-02207 Title V permit area.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP IA

Description: The RE failed to report some instances of deviations in the deviation report dated November 17, 2005.

DMR

Date: 08/31/2002 (159612)  
Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

S/S

Date: 08/22/2005 (404732)  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA  
PERMIT IA

Description: Exceedance of MAER for chlorine for T-307; Permit 4021, SC1

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

S/S

30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP IA  
PERMIT IA  
Description: Exceedance of the concentration limit for chlorine; Permit 4021, SC 7  
**Date: 04/29/2004** (255279)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

NS

Rqmt Prov: PERMIT IA  
Description: Exceeded VOC permit limit during an emissions event.  
**Date: 07/22/2005** (397876)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter C 335.62

40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(a)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(b)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)(1)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)(2)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)[G]  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(d)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11[G]  
Description: Complete hazardous waste determination is required.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)  
Description: NOR update required.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)[G]  
40 CFR Chapter 268, SubChapter I, PT 268, SubPT E 268.50(b)  
Description: CSA, LDR, one year storage limit exceeded.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)  
Description: Tank containment should be free of cracks.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)  
Description: Tank, inspection information should be documented.

NS

**Date: 08/31/2005** (403238)  
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov: OP IA  
PERMIT IA  
Description: Dow failed to maintain caps and/or plugs on two open-ended lines in the B1300 Poly Glycol Methyl-diethanolamines (MDEA) and Aminoethylethanolamines (AEEA) Plants for components.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter D 115.354(2)[G]  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)

Rqmt Prov: OP IA  
PERMIT IA  
Description: Dow failed to fugitive emission monitor fifty-nine (59) components, 16 valves and 43 connectors.  
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA  
PERMIT IA

Description: Dow failed to maintain the minimum scrubber water flow rate for the SC-2 Kettle Scrubber (EPN B13SV3).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA  
PERMIT IA

Description: Dow failed to maintain the minimum scrubber water flow rate for the SC-2 Scrubber (EPN B13SV2).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1438(f)[G]

Description: Dow failed to maintain a daily average scrubber water flow for the SC-2 Kettle Scrubber (EPN B13SV3).

**S/S** **Date: 07/08/2005** (376056)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: Dow had an avoidable emissions event during Incident 51417.

**S/S** **Date: 03/27/2006** (374721)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter F 101.221(a)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: During Dow Inc. No. 80470 Dow sent emissions to an unlit flare.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: During Dow Inc No. 92568 Dow did not determine the status of the salt dome prior to drilling.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter F 101.221(a)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: During Dow Incident 92771 the flame of the flare was not present.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: During Dow Incident 94567 ( Inv 374721) a valve was inadvertently opened.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: Incident 51360 at Dow was an avoidable emissions event.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: Dow had an avoidable emissions event during Incident 94909.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: During Incidents 84700, 84701, and 93405 Dow had avoidable emissions events

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: During Recordable Incident 95308, Dow had an avoidable emissions event.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: Dow had an avoidable emissions event during recordable Incident 90045.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: Dow had an avoidable emissions event during recordable Incident 101031.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: Incident 83616 at Dow was avoidable.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: Dow Incident 88672 was an avoidable emissions event.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: Dow Incident 89747 was an avoidable emissions event.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: Dow Incident 93432 was an avoidable incident.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: Dow Incident 93975 was an avoidable emissions event.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: Dow Incident 95602 was an avoidable emissions event.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: Dow Incident 97687 was an avoidable emissions event.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or second valve. Two valves at Furnace F-7 with monitoring tag Nos 193757 and 197365 were observed with open-ended lines during the on-site investigation.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or second valve. An open ended line in HRVOC service at the R102/S102 bay wall area was observed during the on-site investigation.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or second valve. An open ended line in HRVOC service at the R102/S102 bay wall area was observed during the on-site investigation.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.354  
30 TAC Chapter 115, SubChapter H 115.781(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(a)  
Description: Failure to demonstrate that each applicable HRVOC valve in the process unit was monitored in accordance with the requirements described in 30 TAC § 115.354, as directed by 30 TAC § 115.781(b).  
Failure to demonstrate that each applicable HRVOC valve in the process unit was monitored in accordance with the requirement  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.354  
30 TAC Chapter 115, SubChapter H 115.781(b)  
Description: Failure to demonstrate that at least ten unmarked valves in HRVOC service were complying with the monitoring requirements described in the applicable sections of 30 TAC " 115.354 and 115.781(b). Ten unmarked valves in HRVOC service were subsequently numbered in the field with monitoring program identification numbers

**S/S** Date: 11/30/2003 (249732)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(b)(1)  
Description: Dow failed to report an emissions event (Investigation No. 435278) after final emissions from a scheduled maintenance event exceeded emissions reported on the Initial Notification.

**S/S** Date: 08/20/2002 (7575)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter D 115.354(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)(G)  
40 CFR Part 60, Subpart VV 60.482-7[G]  
Description: 8 difficult to monitor valves were not monitored during the year 1999, as required by rules.  
Self Report? NO Classification: Moderate  
Citation: TEXAS HEALTH AND SAFETY CODE 382.085  
Description: RE failed to control emissions on February 08, 2001 from KR-5 Kettle sample point, Incident No. 20051. This constitutes a violation of Texas Safety and Health CODE § 382.085(a),

**S/S** Date: 10/12/2006 (515660)  
Self Report? NO Classification: Moderate

	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter D 382.085(b)	
	Rqmt Prov:	PERMIT IA	
	Description:	Dow failed to prevent an operator error resulting in unauthorized emissions during Incident No. 79109.	
<b>S/S</b>	<b>Date:</b> 11/30/2006	(519472)	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter D 382.085(b)	
	Rqmt Prov:	PERMIT IA	
	Description:	Investigation No. 519472 determined that Dow had an avoidable emissions event during Incident No. 79942.	
<b>S/S</b>	<b>Date:</b> 05/24/2003	(29063)	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D) 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G) 30 TAC Chapter 116, SubChapter G 116.715(a)	
	Description:	Dow failed to report the emissions and quantities by facility per 30 TAC 101.201(2)(G).	
<b>DMR</b>	<b>Date:</b> 04/30/2003	(159599)	
	Self Report?	YES	Classification: Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)(G)	
	Description:	Failure to meet the limit for one or more permit parameter	
<b>S/S</b>	<b>Date:</b> 04/30/2004	(254073)	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 106, SubChapter D 106.124(5)(A) 30 TAC Chapter 116, SubChapter B 116.110(a)(4) 5C THC Chapter 382, SubChapter A 382.085(b)	
	Description:	Exceeded VOC PBR limit during an emissions event.	
<b>S/S</b>	<b>Date:</b> 08/15/2005	(393373)	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)	
	Rqmt Prov:	PERMIT IA	
	Description:	Dow had an avoidable emissions event during Incident 55560.	
<b>S/S</b>	<b>Date:</b> 07/18/2006	(462748)	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter D 382.085(b)	
	Rqmt Prov:	PERMIT IA	
	Description:	Failure to meet permitted ammonia emission standard.	
<b>S/S</b>	<b>Date:</b> 03/23/2005	(347781)	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)	
	Rqmt Prov:	PERMIT IA	
	Description:	Failed to seal open-ended lines.	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 115, SubChapter H 115.781(b)(3)	
	Description:	Failed to perform quarterly fugitive monitoring.	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 115, SubChapter H 115.782(b)(1)	
	Description:	Failed to attempt to repair leaks.	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 115, SubChapter H 115.782(b)(2)	

	Description:	Failed to attempt to repair leaks.	Classification: Minor
	Self Report?	NO	
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4)	
	Rqmt Prov:	OP IA	
	Description:	Failed to meet risk management plan requirements.	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(1)	
		30 TAC Chapter 116, SubChapter B 116.115(c)	
		40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)	
	Rqmt Prov:	PERMIT IA	
	Description:	Failed to maintain a minimum Btu for a flare.	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
	Rqmt Prov:	PERMIT IA	
	Description:	Failed to meet maximum allowable emission rates.	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)	
	Description:	Failed to create a final record of an emissions event.	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
	Rqmt Prov:	PERMIT IA	
	Description:	Failed to meet maximum allowable emission rates.	
S/S	Date:	12/22/2004 (289567)	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
		5C THC Chapter 382, SubChapter A 382.085(b)	
	Rqmt Prov:	PERMIT IA	
	Description:	Incident 40337 was an avoidable emissions event.	
S/S	Date:	08/27/2004 (267540)	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
		5C THC Chapter 382, SubChapter A 382.085(b)	
	Rqmt Prov:	PERMIT IA	
	Description:	Exceeded VOC permit limit during an avoidable emissions event.	
S/S	Date:	08/30/2003 (152221)	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(1)	
	Description:	Failure to control VOC emissions during an emissions event.	
NS	Date:	07/25/2003 (133869)	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to maintain compliance with the permit effluent limits, at outfall 601, for the daily-maximum pounds/day of zinc.	
NS	Date:	12/02/2003 (250021)	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
	Rqmt Prov:	PERMIT IA	
	Description:	Failure to follow Reference Method 18 when testing for methylene chloride emissions from F-732 thermal oxidizer.	
S/S	Date:	04/20/2006 (459137)	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
		30 TAC Chapter 117, SubChapter B 117.206(e)(2)	
		5C THC Chapter 382, SubChapter D 382.085(b)	
	Rqmt Prov:	PERMIT IA	
	Description:	Exceeded permitted limits of ammonia (NH3). Violation of Permit # 46306 Special Condition 7(C), 30 TAC 117.206 (e)(2), 30 TAC 116.115 (c), and 5C THC Chapter 382.085(b).	
NS	Date:	01/07/2002 (120354)	



	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)	
	Rqmt Prov: OP IA	
	Description: PERMIT SPECIAL CONDITI	
<b>NS</b>	<b>Date: 07/12/2004</b> (258308)	
	Self Report? NO	Classification: Minor
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)	
	30 TAC Chapter 122, SubChapter B 122.143(4)	
	40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)	
	Rqmt Prov: OP IA	
	PERMIT IA	
	Description: Failure to cap open-ended lines.	
	Self Report? NO	Classification: Minor
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)	
	30 TAC Chapter 122, SubChapter B 122.143(4)	
	Rqmt Prov: OP IA	
	PERMIT IA	
	Description: Failure to maintain partial pressure records.	
<b>S/S</b>	<b>Date: 10/25/2006</b> (509774)	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)	
	5C THC Chapter 382, SubChapter D 382.085(b)	
	Rqmt Prov: PERMIT IA	
	Description: Investigation 509774 determined that Dow failed to communicate with a contractor technician properly to prevent unauthorized emissions during Incident 76828.	
<b>NS</b>	<b>Date: 05/30/2003</b> (60877)	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)[G]	
	Description: Notification updates under TAC 335.6 are required.	
<b>DMR</b>	<b>Date: 06/30/2004</b> (352357)	
	Self Report? YES	Classification: Moderate
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)	
	TWC Chapter 26 26.121(a)[G]	
	Description: Failure to meet the limit for one or more permit parameter	
<b>S/S</b>	<b>Date: 08/18/2006</b> (465699)	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)	
	5C THC Chapter 382, SubChapter D 382.085(b)	
	Rqmt Prov: PERMIT IA	
	Description: Dow had an avoidable emissions event during Incident No. 73674.	
<b>NS</b>	<b>Date: 03/02/2006</b> (431805)	
	Self Report? NO	Classification: Minor
	Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(A)(i)	
	40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.506(d)	
	Description: Failure to store required data from November 1, 2004 to November 3, 2004.	
	Self Report? NO	Classification: Major
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)	
	40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)	
	Rqmt Prov: PERMIT IA	
	Description: Failure to maintain a plug on an open ended line.	
<b>S/S</b>	<b>Date: 07/21/2006</b> (457258)	
	Self Report? NO	Classification: Minor
	Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)	
	30 TAC Chapter 116, SubChapter B 116.115(c)	
	30 TAC Chapter 122, SubChapter B 122.143(4)	
	5C THC Chapter 382, SubChapter D 382.085(b)	
	Rqmt Prov: OP IA	

PERMIT IA  
Description: Failure to cap or plug the Twelve (12) open-ended lines in VOC service in Specialty Chemicals 2 Unit.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)  
30 TAC Chapter 122, SubChapter C 122.222(k)(3)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: Failure to register the PBRs 106.261 and 106.262 within 10 days of increase in VOC emissions of 0.79 lbs/hr and 0.85 tons per year as a result of production of new line of products and failed to submit off-permit notification concurrently.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: OP IA  
PERMIT IA  
Description: Failure to maintain minimum flow rate of 10 gallons per minute (gpm) of water as required by NSR permit 18561, Special Condition 17 for the SC-2 kettle scrubber (EPN B13SV3).

S/S

Date: 05/24/2005 (380324)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP IA  
Description: Dow failed to keep monthly visual inspection records for three cold solvent degreasers.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
Description: Dow failed to report eighteen deviations in the First Semi-Annual Report, reporting period October 16, 2003, through April 15, 2004.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP IA  
PERMIT IA  
Description: Dow failed to minimize emissions on 12/24/03 by allowing absorbent pads contaminated with styrene used during a pump replacement to be discarded into a secondary containment area, which then collected rain water.

S/S

Date: 12/16/2004 (289573)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to report an emissions event within 24 hours following incident 35402  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
Description: Failed to report an emissions event within 24 hours during Incident 35402

S/S

Date: 08/07/2003 (61967)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Description: Failure to prevent the release of 1,202 lbs of unauthorized ethylene emissions.

S/S

Date: 11/22/2004 (335797)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP IA  
PA IA  
Description: Unauthorized emissions which could have been avoided by good design, operation or maintenance practices.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)

**NS** Rqmt Prov: OP IA  
PA IA  
Description: Failure to cap or plug open-ended lines per the Permit No. 7531, SC No. 3E  
**Date: 03/29/2004** (264622)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(ii)  
Description: Failure to provide a ground storage capacity which is equal to 50% of the maximum daily demand.

**S/S** **Date: 08/08/2005** (396518)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Dow Incident 55412 was avoidable. The incident was not excessive.

**S/S** **Date: 08/26/2005** (403273)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP IA  
PERMIT IA  
Description: Exceedance of permitted tank fill rate stipulated in Permit 1472, SC 5.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP IA  
PERMIT IA  
Description: Exceedance of the MAER for ammonia for Tank D-330; Permit 1472, SC 1  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
Description: Deviations omitted from 3 semiannual deviation reports  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
Rqmt Prov: OP IA  
PERMIT IA  
Description: Operation of Flare A26VEF1 without a flame present; Permit 1472, SC 8

**S/S** **Date: 08/27/2004** (266751)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PERMIT IA  
Description: Dow exceeded VOC permit limit during an avoidable emissions event.

**S/S** **Date: 12/31/2004** (338842)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(c)  
Description: Dow failed to report accurately. Avoidable emissions event during Incident 43280.  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PERMIT IA  
Description: Incident #43280 was avoidable.

**S/S** **Date: 08/11/2006** (457284)  
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.216(a)(5)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

Description: Dow failed to include the specific rule citation for any unit with a claimed exemption from the emission specification of §117.206 in the final NOx control report submitted on March 31, 2005.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

PERMIT IA

Description: Dow failed to equip open-ended lines in hazardous air pollutant (HAP) with plugs/caps on fourteen occasions.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

PERMIT IA

Description: Dow failed to conduct one weekly fugitive inspection by visual, audible, and/or olfactory means.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

PERMIT IA

Description: Dow failed to conduct daily analysis on the selective catalytic reduction (SCR) unit on four occasions.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.211(a)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

Description: Dow failed to conduct stack sampling on the furnace exhaust stack (EPN A36S621) within 60 days of startup of the emissions control.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

PERMIT IA

Description: Dow failed to maintain the pH in the scrubber (EPN A36S531) at 7.5 or greater on two occasions.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.7(a)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

PERMIT IA

Description: Dow failed to conduct performance test on the thermal treatment unit (TTU) and the tail scrubber (EPN A36S531) within 180 days as required by 40 CFR 63.7(a)(2) and 63.116(c), and as required by NSR Permit 46431, SC 12C.

Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	OP IA PERMIT IA	
Description:	Dow failed to monitor the carbon bed during unloading operation for the tank (EPN A40S741).	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	OP IA PERMIT IA	
Description:	NOx, CO, SO2 emissions in lb/hr from the flare (EPN B4F19A) exceeded the allowables specified in the Maximum Allowable Emission Rate Table for NSR Permit 2008 during a period from January 10, 2005 through March 13, 2005.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	OP IA PERMIT IA	
Description:	Dow failed to maintain the minimum requirement of 300 BTU/scf for the flare (EPN B4F19A) during a period from January 10, 2005 through June 10, 2005.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	OP IA PERMIT IA	
Description:	Dow failed to equip one open-ended line in VOC service with a cap or plug.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter B 115.112(a)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	OP IA	
Description:	Dow failed to maintain pilots for the flare (EPNA36MDF532), which was used as a control device for tank vents V-103 and V-534 at the time the pilots went out on September 19, 2005.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	OP IA	
Description:	Dow failed to keep two monthly inspection records for the degreaser (A36MDSC1).	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	OP IA PERMIT IA	
Description:	Dow failed to monitor 107 valves during the first and second quarters of 2005.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(2)	

5C THC Chapter 382, SubChapter A 382.085(b)

**DMR** Rqmt Prov: OP IA  
PERMIT IA  
Description: Dow failed to monitor 324 connectors during the first and second quarters of 2005.  
**Date: 03/31/2004** (296006)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

**S/S** Description: Failure to meet the limit for one or more permit parameter  
**Date: 08/29/2004** (265955)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)

**DMR** Description: 5C THC Chapter 382, SubChapter A 382.085(b)  
Exceeded HCL permit limit.  
**Date: 12/31/2004** (381959)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

**NS** Description: TWC Chapter 26 26.121(a)[G]  
Failure to meet the limit for one or more permit parameter  
**Date: 03/05/2003** (26394)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(3)[G]

**S/S** Description: Failure to have proper grade of licensed operator.  
**Date: 07/12/2004** (258307)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to report a deviation in the semiannual deviation report.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA  
PERMIT IA  
Description: Failure to seal open-ended lines.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA  
PERMIT IA  
Description: Failure to monitor valves for fugitive emissions.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA  
PERMIT IA  
Description: Failure to monitor pump seals for fugitive emissions.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA  
PERMIT IA  
Description: Cooling tower emissions exceeded MAER for VOCs.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.144(1)(E)

Description: Failure to maintain records of daily flare observations.  
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.262(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP IA  
Description: Late submittal of PBR registration.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
Rqmt Prov: OP IA  
PERMIT IA  
Description: Failure to maintain minimum BTU requirement in feed stream to flare.  
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP IA  
PERMIT IA  
Description: Failure to re-monitor fugitive components within 15 days.  
**Date: 06/30/2003** (296010)

DMR

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

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**Date: 06/22/2006** (458889)  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: OP IA  
PERMIT IA  
Description: Dow failed to meet the NOx emissions hourly standard of 0.1 lb/MMBtu 87 times, and the CO emissions hourly standard of 0.034 lb/MMBtu 276 times from Pyrolysis Furnace Nos. 1 through 7 (OC6L8H1~7) as required by NSR Permit 20432, Special Condition (SC) III-5.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA  
PERMIT IA  
Description: Dow failed to meet the NOx emissions hourly standard of 0.06 lb/MMBtu 301 times, and the CO emissions hourly standard of 0.015 lb/MMBtu 47 times from Pyrolysis Furnace Nos. 8 and 10 (OC6L8H8&10) as required by NSR Permit 20432, SC III-6.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA  
PERMIT IA

Description: Dow failed to equip open-ended lines with a valve or plug on 23 occasions.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA  
PERMIT IA

Description: Dow failed to meet the permit allowables 4 times for NOx and 2 times for CO from

Self Report? NO Gas Turbine GT-30 (B72L7GT30). Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP IA  
 PERMIT IA  
 Description: Dow failed to meet the specified requirement of 300 BTU/SCF for the Flare B60L7F1 on November 15, 2004.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP IA  
 Description: that Dow failed to record daily review of the operating parameters for 8 days as required by 40 CFR 61.354(a)(2).

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP IA  
 Description: Dow failed to collect flare pilot monitoring data for the Flares FS-1 and FX-1000 (OC6L8F1, and OC6L8F1000) on four occasions, and failed for the Flare B71S2F1 on three occasions.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.702(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP IA  
 Description: Dow failed to route off gas from the processes subject to 40 CFR 60 Subpart RRR to its primary control device Furnaces OC6L8S1 thru OC6L8S10. The off gas was routed to the Flares OC6L8F1000 and OC6L8F1 on nineteen occasions.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)[G]  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP IA  
 Description: Dow failed to follow precisely the written startup, shutdown, and malfunction plan on three occurrences.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)[G]  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP IA  
 Description: Dow failed to update the written startup, shutdown, and malfunction plan as required.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP IA  
 PERMIT IA  
 Description: Dow failed to monitor nine valves on six monthly monitoring activities during the period of April 19, 2004 through September 15, 2004.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP IA  
 Description: Dow failed to keep records of visible emissions observations for ten furnaces, one thermal oxidizer and one decoke vent during the 3rd quarter of 2004.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter B 115.132(a)(1)



30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA  
Description: Dow failed to maintain the compartment totally enclosed and have all openings sealed for the Water Separator OC6L8D27 as one leaking connector was noted between October 14, 2004 and October 19, 2004.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA  
PERMIT IA  
Description: Dow failed to equip open-ended lines with a valve or plug on four occasions.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)[G]  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(c)[G]  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA  
PERMIT IA  
Description: Dow failed to monitor 97 valves and 8 flanges on two quarterly monitoring activities during the period of April 19, 2004 through October 18, 2004.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)(i)(A)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(a)(1)(i)(A)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA  
Description: Dow failed to perform annual fugitive monitoring of components of the benzene waste management units on an annual basis.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA  
Description: Dow failed to inspect daily the operating parameters for benzene waste operations for 20 days to ensure proper operations.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA  
Description: Dow failed to perform one weekly visual inspection of pumps as required.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA  
Description: Dow failed to perform 13 weekly visual inspections of pumps as required.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(3)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA  
Description: Dow f Failed to perform nine weekly visual inspections of flanges as required.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA  
PERMIT IA

Description: Dow failed to equip open-ended lines with a valve or plug on 10 occasions.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(f)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: ORDER IA

Description: Dow failed to perform monthly visual car-seal inspections on Benzene Waste Management Units' closed vent system in September and October of 2004.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

Description: Dow failed to perform eight daily visual flare observations as required.

**Date: 08/22/2006 (484727)**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(2)[G]

Rqmt Prov: PERMIT IA

Description: Failure to report the burning of Waste Stream 2196219H in Boiler B-901 (NOR 089) on the 2005 Annual Waste Summary.

**Date: 12/31/2002 (159627)**

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

**Date: 12/31/2001 (159626)**

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

**Date: 08/19/2006 (480155)**

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA  
PA IA

Description: Failure to cap 6 open-ended valves/lines in HAP service per 63.167(a)(1).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA  
PA IA

Description: Failure to cap one open-ended valve or line in general VOC service as required by 115.352(4).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

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5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

Description: Failure to limit the outlet gas temperature of PT-110 to 95 degrees fahrenheit during venting operations.

Date: 04/26/2006 (433177)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT IA

Description: Failure to provide a backup dempster resulting in unauthorized emisssions.( Incident No. 64154)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)

Description: Dow did not report in a timely manner during Incident 64154.

Date: 08/23/2006 (457315)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

PERMIT IA

Description: Dow failed to install pressure indicators for all vent streams from process vessels that are routed to an emissions control device so that the pressure indicators would indicate positive flows from the vessels to the primary thermal oxidizer (EPN B35EWS200).

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

PERMIT IA

Description: Dow failed to operate upset diverter valves and the backup oxidizer start-up automatically when a diversion is needed from the primary thermal oxidizer (EPN B35EWS200) to the backup thermal oxidizer (EPN B34EWS201).

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.216(a)(5)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

Description: Dow failed to include the specific rule citation for any unit with a claimed exemption from the emission specification of §117.206 in the final NOx control report.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

PERMIT IA

Description: Dow failed to record fan amperage readings once every shift.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT DD 63.697(b)(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

Description: Dow failed to submit the required semiannual report within the time frame allowed.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

Description: Dow failed to follow malfunction procedure as it was written during a malfunction of a

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flow meter.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)[G]  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA  
Description: Dow failed to submit the required semiannual report within the time frame allowed.  
Date: 08/15/2005 (398936)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA  
Description: Dow had an avoidable emissions event during Incident 59062. Not an excessive event.

Date: 12/28/2004 (334606)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: OP IA  
PERMIT IA  
Description: Failure to plug open ended valves.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA  
PERMIT IA  
Description: THROX unit exceeded CO MAER.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA  
PERMIT IA  
Description: Exceeded vinyl chloride average feedrate limit.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA  
PERMIT IA  
Description: Exceeded firebox temperatures for THROX & TOX

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA  
PERMIT IA  
Description: Flowmeters on vent stream to TOX not operational.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA  
PERMIT IA  
Description: Flare A32CSF1 exceeded hourly VOC MAER

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(4)  
Rqmt Prov: OP IA

	PERMIT IA	
Description:	Failure to monitor valves and pressure sensing devices	
Self Report? NO		Classification: Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)(iii)	
Rqmt Prov:	OP IA	
Description:	Failure to monitor connectors	
<b>DMR</b>	<b>Date: 08/31/2003</b> (296014)	
Self Report? YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Description:	Failure to meet the limit for one or more permit parameter	
<b>S/S</b>	<b>Date: 01/12/2004</b> (253974)	
Self Report? NO		Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.116(b)(1)(A) 30 TAC Chapter 116, SubChapter G 116.715(a)	
Rqmt Prov:	PA IA	
Description:	Failure to meet the minimum heating value of 300 Btu/scf for a steam-assisted flare (FS-801) in accordance with 40 CFR 60.18 when waste streams containing significant quantities of hydrogen are sent to the flare.	
Self Report? NO		Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(c)(7)	
Description:	Dow exceeded the NOx emission cap established in the Maximum Allowable Emission Rate (MAER) table under Flexible Permit # 20432 for the three emission points (EPNs B68FU1, B70FU1 and B70F801).	
<b>S/S</b>	<b>Date: 06/03/2004</b> (258305)	
Self Report? NO		Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)	
Rqmt Prov:	OP IA	
Description:	PERMIT IA Failure to maintain minimum BTU requirement in gas stream to Flare A26VELR02.	
Self Report? NO		Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)	
Rqmt Prov:	OP IA	
Description:	PERMIT IA Failure to maintain the minimum operating temperature in Waste Gas Boiler EPN A26S500.	
Self Report? NO		Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)	
Rqmt Prov:	OP IA	
Description:	PERMIT IA Exceedance of permitted fill/drain rates for Tank D-275, Tank D-550 and Tank D-20M.	
Self Report? NO		Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)	
Rqmt Prov:	OP IA	
Description:	PERMIT IA Exceedance of MAERs for Tank R-1B and Tank D-15C.	
Self Report? NO		Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)	
Rqmt Prov:	OP IA	
Description:	PERMIT IA Failure to use submerged fill loading for railcar equipment A26VELR02 and drum	

S/S

loading equipment A26VELR04.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP IA  
PERMIT IA  
Description: Failure to equip open-ended valve with a plug.  
Date: 01/14/2005 (338682)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP IA  
PERMIT IA  
Description: Dow exceeded the hourly emission limit for CO on unit B246PGT62 as authorized by Standard Permit (SP) 49187, at the following times:  
a) 8/13/03, 16:00 to 17:00, release of 290.38 lbs/hr, an exceedence of 213%  
b) 7/1/04, 19:00 to 20:00, release of 129 lbs/hr, an exceedence of 39%

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP IA  
PERMIT IA  
Description: Dow exceeded the hourly emission limit for NOx on unit B246PGT62 as authorized by the Standard Permit (SP) 49187 limit of 38.3 lbs/hr, at eight (8) documented times.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP IA  
PERMIT IA  
Description: Dow exceeded the hourly emission limit for NOx on unit B246PGT63 as authorized by the NSR Permit 9044 limit of 585 lbs/hr, on 1/6/04, from 11:00 to 12:00, with a release of 590.89 lbs/hr, an exceedence of 1%.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP IA  
PERMIT IA  
Description: Dow exceeded the hourly emission limit for NOx on unit B246PGT66 as authorized by the NSR Permit 9046 limit of 826.99 lbs/hr, documented as eighteen (18) occurrences.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)(5)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)  
Description: Dow failed to accurately report periods of excess emissions for NOx in two semi-annual NOx RACT reports, dated January 14, 2004, and June 14, 2004.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)[G]  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)  
Rqmt Prov: OP IA  
Description: Dow failed to make a timely submission of a semi-annual NOx RACT report. The deadline for the report submittal was 12/15/03, and the report was not submitted until 1/14/04.

S/S

Date: 12/28/2004 (256034)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA  
Description: Incident 7827 was an avoidable emissions event.

S/S

Date: 08/23/2006 (457302)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)

	5C THC Chapter 382, SubChapter A 382.085(b)	
	Rqmt Prov: OP IA	
	Description: Dow failed to equip 23 open-ended lines with caps or plugs as fugitive emissions were represented and authorized through Permit by Rule (PBR) 106.262.	
	Self Report? NO	Classification: Minor
	Citation: 30 TAC Chapter 106, SubChapter K 106.262(3)	
	30 TAC Chapter 122, SubChapter B 122.143(4)	
	5C THC Chapter 382, SubChapter A 382.085(b)	
	Rqmt Prov: OP IA	
	Description: Dow failed to provide notification using Form PI-7 within ten days following the modification of the facility.	
<b>DMR</b>	<b>Date: 11/30/2002</b> (159623)	
	Self Report? YES	Classification: Moderate
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)	
	TWC Chapter 26 26.121(a)[G]	
	Description: Failure to meet the limit for one or more permit parameter	
<b>DMR</b>	<b>Date: 09/30/2003</b> (296016)	
	Self Report? YES	Classification: Moderate
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)	
	TWC Chapter 26 26.121(a)[G]	
	Description: Failure to meet the limit for one or more permit parameter	
<b>NS</b>	<b>Date: 06/29/2005</b> (378760)	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to maintain compliance with the permitted effluent limits.	
<b>S/S</b>	<b>Date: 05/04/2005</b> (338714)	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)	
	Rqmt Prov: OP IA	
	Description: Dow failed to record the outlet gas temperature, at least weekly, of scrubber B5010SV110, for the weeks beginning 8/21/03, 10/5/03, 11/9/03, 11/30/03, 12/7/03, 12/14/03, 12/21/03, and 12/28/03.	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)	
	Rqmt Prov: OP IA	
	Description: Dow failed to comply with the requirement to operate the scrubber B5010SV110 under the maximum stack gas temperature of 95 degrees F.	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)	
	30 TAC Chapter 122, SubChapter B 122.143(4)	
	Rqmt Prov: OP IA	
	PERMIT IA	
	Description: Dow failed to comply with the permit condition by filling a tank truck without employing the vapor balancing method from the truck to the tank.	
	Self Report? NO	Classification: Minor
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)	
	30 TAC Chapter 122, SubChapter B 122.143(4)	
	Rqmt Prov: OP IA	
	PERMIT IA	
	Description: Dow failed to maintain caps and/or plugs on nine open-ended lines in the B5016 Contract Manufacturing Plant.	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)	
	30 TAC Chapter 122, SubChapter B 122.143(4)	
	Rqmt Prov: OP IA	
	PERMIT IA	
	Description: Dow failed to maintain the water flow rate minimum on Scrubber T-543 during periods of vent gas flow.	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]	
	30 TAC Chapter 122, SubChapter B 122.143(4)	

5C THC Chapter 382, SubChapter A 382.05181(a)[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

Description: Dow failed to register the production processes of various Maxistab products under either a PBR or NSR permit.

NS

Date: 07/14/2006 (457318)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

PERMIT IA

Description: Dow failed to install a pressure gauge or its equivalent between the rupture disk and the pressure safety valve on T-4 Tower.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

PERMIT IA

Description: Dow failed to equip open-ended lines with plugs/caps on two occasions.

DMR

Date: 10/31/2002 (159619)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

NS

Date: 08/28/2006 (497117)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

PA IA

Description: Failure to cap 53 open-ended valves or lines in HAP service.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP IA

PA IA

Description: Failure to perform Method 21 remonitoring to three valves in HAP service within

15 days.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(1)

Rqmt Prov: OP IA

PA IA

Description: Failure to remonitor the P-206 pump seal, after repairs, within 15 days.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)



5C THC Chapter 382, SubChapter A 382.085(b)

**NS** Rqmt Prov: OP IA  
PA IA  
Description: Failure to remonitor four flanges in HAP service, after completion of repairs, within 15 days.  
Date: 11/05/2004 (338243)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter B 115.126(1)(A)(i)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.506(d)  
Rqmt Prov: OP IA  
PA IA  
Description: Failure to maintain continuous data records of thermal oxidizer (EPN B20TOX) firebox temperature on 8/27/2003, 3/3/2004 and 7/6/2004.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP IA  
Description: Failure to maintain working pressure data of Acrylonitrile Storage Tank D-121A on 8/27/2003, 3/3/2004 and 7/6/2004.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP IA  
Description: Failure to monitor with an instrument after repair a leaking component found via AVO inspection on 11/14/2003 and 1/3/2004.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.356(2)(F)(iii)  
30 TAC Chapter 115, SubChapter D 115.356(2)(F)(iv)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(d)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(d)(3)  
Rqmt Prov: OP IA  
PA IA  
Description: Failure to keep records of the date of first repair attempt and date of leak repair for two leaking valves.

**S/S** Date: 07/18/2006 (462746)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: Ammonia limit exceedence. Violation of permit #46306 SC 7, 30 TAC 116.115(c), and 5 THC Chapter 382.085(b).

**S/S** Date: 08/29/2003 (151240)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)  
Description: Failure to prevent the release of unauthorized emissions during an emissions event.

**S/S** Date: 02/06/2004 (251940)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: PERMIT IA  
Description: Avoidable emissions event with emissions of benzene.

**NS** Date: 08/23/2006 (484737)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(18)  
40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1052(e)

Rqmt Prov: PERMIT IA  
Description: Failure to conduct annual monitoring for fugitive emissions from Pump MP-506.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(18)  
40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1061(b)(2)

Rqmt Prov: PERMIT IA  
Description: Failure to provide the notification and perform annual monitoring of valves in light liquid service.

S/S

Date: 12/31/2002 (15110)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.222(b)(9)  
5C THC Chapter 382, SubChapter A 382.085(a)  
Description: Failure to control emissions.

S/S

Date: 11/30/2003 (249734)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(b)(1)  
Description: Dow failed to notify the TCEQ when the maintenance event became an emissions event.

S/S

Date: 06/17/2005 (376522)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
Description: Failure to equip open-ended lines with a cap or plug.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)  
Description: Failure to create records of five non-reportable emissions events within the required time frame.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
Rqmt Prov: PA IA  
Description: Failure to complete pressure testing of tank trucks for loading operations.  
Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)  
Description: Failure to monitor five pump seals monthly from March 2004 through July 2004.  
Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)  
Description: Failure to monitor three agitators monthly from March 2004 through July 2004.  
Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(c)  
Description: Failure to inspect continuous parameter monitoring data from EPNs OC3U3B901, OC3U3B902, OC3U3B903 daily from January 16, 2004 through January 29, 2004.  
Failure to inspect continuous parameter monitoring data from EPNs OC3U3B901, OC3U3B902, OC3U3B903 daily from January 16, 2004 through January 29, 2004.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(4)  
Description: Failure to monitor an accessible valve in August 2004.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA  
Description: Failure to perform monthly inspection of a solvent cleaning station in October 2004.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT IA  
Description: Failure to meet the emission specifications for HCl, Cl<sub>2</sub>, SO<sub>2</sub>, and CO from EPNs OCD3SB901, OCD3SB902, and OCD3SB903.

Self Report? NO Classification: Minor

Citation:	30 TAC Chapter 122, SubChapter C 122.210(a)	
Description:	Failure to submit a Title V permit revision application to include EPN B39RX210 in the permit.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)	
Rqmt Prov:	PERMIT IA	
Description:	Failure to equip open-ended lines with a cap or plug.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
Rqmt Prov:	PERMIT IA	
Description:	Failure to equip open-ended lines with a cap or plug. Failure to equip open-ended lines with a cap or plug.	

F. Environmental audits.

- |           |  |          |
|-----------|--|----------|
| <b>1</b>  | Notice of Intent Date: 02/18/2004<br>No DOV Associated | (265119) |
| <b>2</b>  | Notice of Intent Date: 04/14/2004<br>No DOV Associated | (274298) |
| <b>3</b>  | Notice of Intent Date: 12/11/2001<br>No DOV Associated | (32894)  |
| <b>4</b>  | Notice of Intent Date: 03/19/2004<br>No DOV Associated | (336700) |
| <b>5</b>  | Notice of Intent Date: 12/17/2004<br>No DOV Associated | (347242) |
| <b>6</b>  | Notice of Intent Date: 06/14/2004<br>No DOV Associated | (347895) |
| <b>7</b>  | Notice of Intent Date: 03/30/2005<br>No DOV Associated | (378947) |
| <b>8</b>  | Notice of Intent Date: 04/20/2005<br>No DOV Associated | (380855) |
| <b>9</b>  | Notice of Intent Date: 08/16/2005<br>No DOV Associated | (434104) |
| <b>10</b> | Notice of Intent Date: 09/16/2005<br>No DOV Associated | (436340) |
| <b>11</b> | Notice of Intent Date: 01/06/2006<br>No DOV Associated | (452904) |
| <b>12</b> | Notice of Intent Date: 02/06/2006<br>No DOV Associated | (458261) |
| <b>13</b> | Notice of Intent Date: 02/27/2006<br>No DOV Associated | (459089) |
| <b>14</b> | Notice of Intent Date: 10/24/2006<br>No DOV Associated | (461404) |

<b>15</b>	Notice of Intent Date: 03/29/2006 No DOV Associated	(464367)
<b>16</b>	Notice of Intent Date: 03/29/2006 No DOV Associated	(464509)
<b>17</b>	Notice of Intent Date: 03/19/2006 No DOV Associated	(464513)
<b>18</b>	Notice of Intent Date: 10/26/2005 No DOV Associated	(465631)
<b>19</b>	Notice of Intent Date: 04/21/2006 No DOV Associated	(465958)
<b>20</b>	Notice of Intent Date: 05/12/2006 No DOV Associated	(465966)
<b>21</b>	Notice of Intent Date: 03/29/2006 No DOV Associated	(466306)
<b>22</b>	Notice of Intent Date: 03/29/2006 No DOV Associated	(466317)
<b>23</b>	Notice of Intent Date: 04/25/2006 No DOV Associated	(480426)
<b>24</b>	Notice of Intent Date: 06/13/2006 No DOV Associated	(484536)
<b>25</b>	Notice of Intent Date: 06/20/2006 No DOV Associated	(486601)
<b>26</b>	Notice of Intent Date: 06/26/2006 No DOV Associated	(488476)
<b>27</b>	Notice of Intent Date: 08/15/2006 No DOV Associated	(511065)
<b>28</b>	Notice of Intent Date: 08/28/2006 No DOV Associated	(514018)

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
THE DOW CHEMICAL COMPANY  
RN100225945**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2006-2225-AIR-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding The Dow Chemical Company ("Dow") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Dow presented this agreement to the Commission.

Dow understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Dow agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Dow.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. Dow owns and operates a chemical manufacturing plant at 2301 North Brazosport Boulevard in Freeport, Brazoria County, Texas (the "Plant").





2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation on October 14, 2006, TCEQ staff documented that during an avoidable emissions event that occurred on July 16, 2004 and lasted 344 hours, unauthorized emissions of 13,987.44 pounds ("lbs") of the highly reactive volatile organic compound (HRVOC) ethylene were released from Emission Point Number ("EPN") B25CT100 in the Polyethylene 2 Unit.
4. During an investigation on October 14, 2006, TCEQ staff documented Dow failed to submit an emissions event report within 24 hours after discovery of the event. Specifically, the emissions event was discovered on July 16, 2004 at 2:00 p.m., but was not reported until July 17, 2004 at 10:00 p.m.
5. During an investigation on November 9, 2006, TCEQ staff documented that during an avoidable emissions event that occurred on September 27, 2006 and lasted 9 minutes, unauthorized emissions of 871.00 lbs of ethylene oxide were released from a rupture disc to the D-8 Drum in the Secondary Reactor R-2 Unit.
6. During an investigation on November 9, 2006, TCEQ staff documented that during an avoidable emissions event that occurred on September 28, 2006 and lasted less than 1 minute, unauthorized emissions of 536.00 lbs of 1,2-dichloroethane, 235.50 lbs of hydrogen chloride, and 395.50 lbs of vinyl chloride were released from a pressure relief valve (PSV-215) in the Vinyl Chloride/EDC Unit 5.
7. During an investigation on November 9, 2006, TCEQ staff documented that Dow failed to include the applicable permit number in the Authorization section of the final emissions event report.
8. Dow received notices of the violations on November 29, 2006 and January 22, 2007.
9. The Executive Director recognizes that:
  - a. Dow implemented the following corrective measures at the Plant as a result of the September 27, 2006 emissions event:
    - i. On October 14, 2006, implemented a new "critical" procedure titled "HAA Cold Recycle During SU/SD (Critical)," used by Hydroxyalkyl Acrylate ("HAA") Operations to ensure plant conditions are monitored and controlled effectively when plug flow needs to be extended beyond normal start-up/shutdown timing; and
    - ii. On October 14, 2006, reviewed and modified existing "critical" procedure titled "Reactor Plant Start-Up", used by HAA Operations to start up the HAA unit after a shutdown, including 31 modifications to more effectively control/startup the reactor system. One of the revisions is to have the operator list all instruments that are in manual on a table in this procedure. If any need to remain in manual, the operator has to contact the plant's Technical Advisor or Production Engineer to agree before proceeding further with the start-up procedure. Regarding manual valves in the field, the plant uses a separate procedure entitled, "Plant



Line-Up Checklist.”

- b. Dow implemented the following corrective measures at the Plant as a result of the September 28, 2006 emissions event:
  - i. Immediately, the Plant implemented program code to run all exchanger fin fans at full pitch when a tower enters the emergency shutdown step. This will ensure that upon system high pressure all cooling fans will maximize their capability to remove energy and pressure on high pressure shutdown situations. On November 10, 2006, completed retraining of all applicable plant personnel;
  - ii. Immediately, the Plant updated the loss of refrigeration procedures to ensure instant plant shutdown on the loss of flow to critical heat exchangers. A temporary emergency procedure was implemented before the plant restarted to improve the loss of propylene procedures. On October 24, 2006, the temporary procedures were superseded with updates to the emergency procedures and personnel training was completed;
  - iii. On October 18, 2006, in order to eliminate confusion due to the valve design, the Plant relabeled the instrument air valves and included position indicators on the stem to externally indicate whether the valve is open or closed; and
  - iv. On November 13, 2006, the procedure for entering event data into the STEERS program was updated to include a more detailed list of the necessary information for emission events and maintenance, startups, and shutdowns and applicable personnel were informed.
- c. Dow implemented the following corrective measures at the Plant as a result of the September 28, 2006 emissions event:
  - i. On January 25, 2007, submitted a corrective action plan (“CAP”) to address the excessive emissions event that occurred July 16, 2004, which was received by the TCEQ on January 29, 2007 and approved on February 27, 2007;
  - ii. On August 12, 2004, established and implemented a reporting process from the analytical group for future cooling tower analysis; and
  - iii. On December 1, 2005, installed a gas detector that provides continuous monitoring that will alert operations immediately if a leak is detected.

## II. CONCLUSIONS OF LAW

1. Dow is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, Dow failed to prevent unauthorized emissions on July 16 through July 30, 2004, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F), New Source Review (“NSR”) Permit No. 19519, Maximum Allowable Emissions Rate Table and TEX.



HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable, improperly reported, and determined to be excessive, Dow failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

3. As evidenced by Findings of Fact No. 4, Dow failed to submit an emissions event report within 24 hours after discovery of the event, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Findings of Fact No. 5, Dow failed to prevent unauthorized emissions on September 27, 2006, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. X-7386, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b). These emissions are not authorized by the permit. Since the emissions event was avoidable, Dow failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
5. As evidenced by Findings of Fact No. 6, Dow failed to prevent unauthorized emissions on September 28, 2006, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 19041, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b). These emissions are not authorized by the permit. Since the emissions event was avoidable and improperly reported, Dow failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
6. As evidenced by Findings of Fact No. 7, Dow failed to include the applicable permit number in the Authorization section of the final emissions event report, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1)(H) and TEX. HEALTH & SAFETY CODE § 382.085(b).
7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Dow for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of Eighty-Seven Thousand One Hundred Ninety-Two Dollars (\$87,192) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Dow has paid Forty-Three Thousand Five Hundred Ninety-Six Dollars (\$43,596) administrative penalty. Forty-Three Thousand Five Hundred Ninety-Six Dollars (\$43,596) shall be conditionally offset by Dow's completion of a Supplemental Environmental Project ("SEP").

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Dow is assessed an administrative penalty in the amount of Eighty-Seven Thousand One Hundred Ninety-Two Dollars (\$87,192) as set forth in Section II, Paragraph 8 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Dow's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not



raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Dow Chemical Company, Docket No. 2006-2225-AIR-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. Dow shall implement and complete an SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 8 above, Forty-Three Thousand Five Hundred Ninety-Six Dollars (\$43,596) of the assessed administrative penalty shall be offset with the condition that Dow implement the SEP defined in Attachment A, incorporated herein by reference. Dow's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. Dow shall undertake the following technical requirements:
  - a. Upon Executive Director approval, implement the CAP in accordance with the approved schedule; and
  - b. Upon completion of CAP implementation, submit written certification to demonstrate compliance with Ordering Provisions No. 3.a. as described below:

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087





with a copy to:

Air Quality Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486


3. The provisions of this Agreed Order shall apply to and be binding upon Dow. Dow is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If Dow fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Dow's failure to comply is not a violation of this Agreed Order. Dow shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Dow shall notify the Executive Director within seven days after Dow becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Dow shall be made in writing to the Executive Director. Extensions are not effective until Dow receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Dow if the Executive Director determines that Dow has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against Dow in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
For the Executive Director

7/25/07  
Date


I, the undersigned, have read and understand the attached Agreed Order in the matter of The Dow Chemical Company. I am authorized to agree to the attached Agreed Order on behalf of The Dow Chemical Company, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, The Dow Chemical Company waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

2-28-07  
Date

LINDA BARTHOLOME  
Name (Printed or typed)  
Authorized Representative of  
The Dow Chemical Company

Responsible Care Leader  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

1. The first part of the report is a general introduction to the subject of the study. It is a very important part of the report, as it sets the context for the study and provides a brief overview of the findings.

2. The second part of the report is a detailed description of the methodology used in the study. This part is also very important, as it provides a clear and concise explanation of the methods used to collect and analyze the data.

3. The third part of the report is a detailed description of the results of the study. This part is also very important, as it provides a clear and concise explanation of the findings of the study.

4. The fourth part of the report is a detailed description of the conclusions of the study. This part is also very important, as it provides a clear and concise explanation of the conclusions drawn from the study.

5. The fifth part of the report is a detailed description of the limitations of the study. This part is also very important, as it provides a clear and concise explanation of the limitations of the study.

6. The sixth part of the report is a detailed description of the implications of the study. This part is also very important, as it provides a clear and concise explanation of the implications of the study.

7. The seventh part of the report is a detailed description of the future research. This part is also very important, as it provides a clear and concise explanation of the future research that is needed.

8. The eighth part of the report is a detailed description of the references. This part is also very important, as it provides a clear and concise explanation of the references used in the study.

9. The ninth part of the report is a detailed description of the appendices. This part is also very important, as it provides a clear and concise explanation of the appendices used in the study.

10. The tenth part of the report is a detailed description of the index. This part is also very important, as it provides a clear and concise explanation of the index used in the study.

11. The eleventh part of the report is a detailed description of the glossary. This part is also very important, as it provides a clear and concise explanation of the glossary used in the study.

12. The twelfth part of the report is a detailed description of the bibliography. This part is also very important, as it provides a clear and concise explanation of the bibliography used in the study.

13. The thirteenth part of the report is a detailed description of the index. This part is also very important, as it provides a clear and concise explanation of the index used in the study.

Attachment A  
Docket Number: 2006-2225-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>The Dow Chemical Company</b>
<b>Payable Penalty Amount:</b>	<b>Eighty-Seven Thousand One Hundred Ninety-Two Dollars (\$87,192)</b>
<b>SEP Amount:</b>	<b>Forty-Three Thousand Five Hundred Ninety-Six Dollars (\$43,596)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program</b>
<b>Location of SEP:</b>	<b>Brazoria County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Brazoria County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality*. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.



**B.     Environmental Benefit**

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

**C.     Minimum Expenditure**

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2.     Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council  
Houston-Galveston AERCO  
P.O. Box 22777  
Houston, Texas 77227-2777

**3.     Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4.     Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088





The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

